

## INDEX

Abbreviations and short forms: AAA: American Arbitration Association; ASAT: antisatellite weapon; CERDS: Charter of Economic Rights and Duties of States; CIJL: Centre for the Independence of Judges and Lawyers; Conf.: Conference; Conv.: Convention; COPUOS: UN Committee on the Peaceful Uses of Outer Space; DoS: US Department of State; EC: European Community; EEC: European Economic Communities; EEZ: Exclusive economic zone; FCN: Friendship, Commerce and Navigation; FRG: Federal Republic of Germany; FTN: Friendship, Trade and Navigation; GATT: General Agreement on Tariffs and Trade; IAEA: International Atomic Energy Agency; ICC: International Chamber of Commerce; ICJ: International Court of Justice; ICO: International commodity organization; ICSID: International Center for the Settlement of Investment Disputes; IDA: International Development Agency; IFIs: International financial institutions; IJC: Inter-American Juridical Committee; ILO: International Labor Organization; IMF: International Monetary Fund; Jessup Competition: Philip C. Jessup International Law Moot Court Competition; MDB: Multilateral development banks; MNBs: Multinational banks; MNCs: Multinational corporations; NIEO: New international economic order; Restatement: NNPA: US Nuclear Non-Proliferation Act; NPT: Treaty on the Non-Proliferation of Nuclear Weapons; OAS: Organization of American States; OAU: Organization of African Unity; Restatement of the Foreign Relations Law of the United States; revised draft Restatement: Draft Restatement of the Foreign Relations Law of the United States (Revised); SALT: Strategic Arms Limitation Talks; SDRs: special drawing rights; START: Strategic Arms Reduction Talks; TNWs: theater nuclear weapons; UK: United Kingdom; UN: United Nations; UNCLOS III: (Third) UN Conference on the Law of the Sea; UNCTAD: UN Conference on Trade and Development; UNESCO: UN Economic Social and Cultural Council; UNGA: UN General Assembly; UN LOS Conv. (1982): UN (Draft) Conv. on the Law of the Sea (1982); US: United States; USSR: Union of Soviet Socialist Republics; WB: World Bank; WW I: World War I; WW II: World War II; WW III: World War III

- Abbasid Dynasty: and laws of war, 71. *See also* Islamic law.  
 Abyssinia: conquest of by Mussolini and development of international law, 302  
 Abdul, Shiekh Mohammed, 63-4. *See also* Islamic law.  
 Aberdeen Steam Trawling Company Ltd., *Barras v.*, 233  
 Abu-Dawud, 70-1. *See also* Islamic law.  
 Abu-Hanifa, 66-7, 69, 71. *See also* Islamic law.  
 Abu-Yusuf: as international law theorist, 71-2. *See also* Islamic law.  
 Acheson-Lilienthal Committee, 78  
 Act of state doctrine, 261-2; and application of customary international law, 257-8; domestic, 243-4, 262; foreign, 243-4, 262-3; and human rights law, 258  
 Additional District Judge, *Nizam Khan v.* (High Court of Pakistan), 69  
 Administrative action: and customary international law in national judicial review, 249-50, 258-9, 263  
 Administrative guidelines, 127-8  
 Advisory Committee to the US Law of the Sea Delegation, 111  
 Aegean Turkish Holidays Ltd., *Hesperides Hotels Ltd. v.*, 240  
 Affirmative action: re international protection of judicial independence, 330  
 Afghanistan: Hanifi school of Islam in, 70  
 Afghanistan, USSR invasion of (1980): effect on SALT II ratification, 335; as example of aggression, 26; "linkage" of to arms control agreements, 32, 337, 348-9  
 Africa: USSR expansionism in, 346  
 African National Congress, 249  
 Ago, Roberto, 61  
 Agreement for Cooperation Between the Government of the Arab Republic of Egypt and the Government of the United States of America concerning Peaceful Uses of Nuclear Energy (1981): Agreed Minute, 88  
 Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979), 284; need for separate agreement incorporating arms control provisions, 295; and peaceful uses of outer space, 285; ratifications, 288; UNGA commendation of, 288  
 Agreement on Measures to Reduce the Risk of the Outbreak of Nuclear War (1971), 284  
 Ahmed v. ILEA, 238  
 Ajomo, M.A., 117  
 Alabama Claims: Arbitration, 5, 142-3; Treaty of Washington (1871), 137  
 Alabama rules: quoted, 143  
 Albania, U.K. v. (*Corfu Channel Case*), 3  
 Alberto-Culver Co., *Scherk v.*, 177  
 Alcoa case: *See* US v. Aluminum Company of America. Ali, Maulana Yusuf, translator of the Quran, 75

- Aliens: economic rights of, 190-1; in international law, 302; state responsibility for injuries to, 8, 188, 254. *See also* Human rights, Immigration, Refugees.
- Allende, Salvador, 303
- Allgemeine Goldund Silberscheideanstalt v. Customs and Excise Commissioners*, 241
- Alliance for Progress, 218
- Allied Powers: WW I violations of laws of naval warfare, 138
- Almond, Harry, 296
- Aluminum Company of America, U.S. v.*, 124-5, 204
- American Arbitration Association, 166-7, 177-8; Commercial Arbitration Rules, 177-8; cosponsor of panel on choosing a forum for International Commercial Arbitration, 166; rules, 179; supplementary procedures for commercial arbitration, 177
- American Bar Association (ABA): criticized for failure to defend judicial independence actively, 323-4; House of Delegates Role of Law Resolution (1975), 314; and enforcement of judicial independence norms, 321-2; Network of Concerned Correspondents of, 314; recommendation of "prior notification procedure" for extraterritorial actions, 54; Section of Individual Rights, 322, 323; State of the Judiciary Address (1982) of Chief Justice Warren E. Burger, 176; Subcommittee on the Independence of Lawyers in Foreign Countries, 314
- American Bar Association, Section of International Law and Practice: committee review of revised draft Restatement, 194-5; criticized for failure to defend judicial independence more actively, 323-4; International Human Rights Committee of, 307
- American Bar Association, Young Lawyers Division, 323; Human Rights Committee, 307, 324-5
- American Convention on Human Rights: Art. 8(1), 308; Art. 8(2)(d)(e), 309; Art. 25, 309; Art. 27, 310; essential judicial guarantees in, 310; nonderogable rights, 310; and judicial independence, 327; and remedies, 309; and right to counsel, 309; and right to fair trial, 308-9, 310; and US human rights cases, 256
- American Journal of International Law*, 60, 82, 230, 304; Board of Editors of, 383; editorial comment on Second Hague Peace Conf. (1907), 133
- American Law Institute (ALI), 201, 205; Council of, 188, 204, 205; Federal Securities Code, 197; Model Penal Code of, 186; Restatement of Contracts of, 186; and Restatements, 184, 185-6, 187, 188, 191, 199, 202, 203
- American Society of International Law, 307; Annual Awards Committee report, 106; and Annual Meeting panel on Islamic law, 55; annual meetings of, 348; Board of Review and Development of, 384; Business Meeting, 100-8; committees of, 382; and contributions to nuclear nonproliferation debate, 82; criticized for failure to defend judicial independence actively, 323-4; Director of Studies Report, 101-4; election of officers, 104; Executive Director's Report, 100-1; Honorary Members Committee Report, 106; Hudson Medal presentation to Hardy Cross Dillard, 300-1; Hudson Medal Committee Report, 105; incoming President's remarks, 104-5; members of on US delegation to Second Hague Peace Conf. (1907), 131; Nominating Committee election, 105; officers of, 381; outgoing President's remarks, 104; parochialism of meetings of, 266; Program of the Society, 106-7; and revised draft Restatement, 184
- Amnesty International: and judicial independence, 314, 321, 321; report on FBI (1981), 325
- Amparo, writ of, 311; suspension of by Chile (1973), 322
- Andean Common Market: antitrust law in, 207
- Andean Group: Foreign Investment Code, 207, 208; foreign investment regime of, 206-7, 208; Anglo-Dutch conflicts (17th Century): and development of international law, 302
- Anglo-French Continental Shelf Arbitration*, 151, 163
- Anglo-Ottoman treaty (1580), 58
- Angola: potential claim to St. Helena, 268
- Antarctica: overlapping claims to of Argentina, UK, and Chile, 277
- Antarctic Treaty (1959), 86; and Argentina/UK Falkland Islands dispute, 276-7; Art. 1, 276-7; Art. 4, 277; Art. 6, 277; and use of force, 276-7
- The Antelope*, 34
- Antidumping laws: and antitrust, 127. *See also* Trade law.
- Antimonopoly and Fair Trade Law (Japan), 121, 122, 128. *See also* Japan.
- Antisatellite arms control negotiations: US/USSR (1978, 1979), 292
- Antisatellite weapons (ASATs), 285, 295; USSR, 286, 292, 293, 297
- Antitrust implications of trade law: *See* Trade law, antitrust implications.
- Antitrust law: in Andean Common Market, 207; and antidumping laws, 127; of EEC, 223-4; of Japan, 121-3; of Peru, 207; and trade disputes, 126-7. *See also* US antitrust law.
- Arabia: and advent of Islam, 60; Shafii school of Islamic law in, 70
- Aragon, 57-8
- Arbitration: expansion of, 305; and peaceful settlement of international disputes, 131-4. *See also* Convention on the Execution of Foreign Arbitral Awards (1927), International Commercial Arbitration, UN Convention on the Recognition and Enforcement of Foreign Arbitral Awards.
- Archaeological objects: and international legal implications of UNCLOS III, 298
- Archipelagic states: and UN LOS Conv. (1982), 115-6

- The Arctic: hydrocarbon exploration and development in, 51-2
- Areguati, Pablo: Argentine Governor of Falkland Islands (1823), 272
- Arend, Anthony Clark: *Summary* of Open Forum paper on international legal implications of UNCLOS III for archaeological and historical objects, 298d
- Argentina: administrative detention in, 319, 323; Antarctic claims of, 276-7; claims to South Orkney and South Shetland Islands, 275-6; Code of Military Justice, 317; *Consejos de Guerra Especiales*, 317; Constitution of as amended in 1976, 318-9; Deputy Director of central bank of, 358; "disappearances" in, 319, 323; and failure of New York branch of Banco de Intercambio Regional, 357-8; foreign investment law of, 207; FTN Treaty (1825) with UK, 272; as future nuclear supplier, 79; habeas corpus in, 318-9; human rights in, 311, 313, 314, 316, 317-9, 325; Inter-American Human Rights Commission investigations in, 313; intimidation of lawyers in, 320-1; judicial independence in, 314, 325; military courts in, 317, 318-9; nuclear capability of, 79; and nuclear safeguards, 80; state of siege in, 319; Supreme Court of, 319
- Argentina and Falkland Islands: defense of invasion of, 270-75, 280-1; dispute with UK re, 26, 267-84; early settlement, 272-3; international financial problems resulting from attack, 357-8; UK eviction of Argentine settlers (1833), 273; and UK suggestion that dispute be submitted to ICJ, 269-70. *See also*, Falkland Islands.
- Argentina/United Kingdom Foreign Ministers Meetings (1966-1982), 274
- Armistice: termination of, 141
- Arms control: criteria for, 29; importance of satellite monitoring agreements, 293; and US national interests, 294. *See also* Arms control in outer space, Nuclear war, Nuclear weapons.
- Arms control in outer space, 284-97; aspects of, 295; COPUOS and, 289-91; effect on national and international security, 285; importance of verifiability, 293-4; military aspects, 291-4; problems of, 29-30, 31-3, 292-4; prospects for, 291; relative importance of 294-5; Socialist approach to, 288-9; and US national security, 293; USSR capabilities as problem, 292; USSR proposals for, 294; and verification, 285; Western approach to, 288-9. *See also* Antisatellite arms control negotiations, Antisatellite weapons.
- Arms race: avoidance of in outer space, 294; and "ratchet effect", 29
- Al-Ashraf Khalil, Mameluke Sultan of Egypt and Syria, 57-8. *See also* Islamic law.
- Association of American Law Schools, 260
- Association of the Bar of the City of New York: Committee on International Human Rights, 320; *Report* on judicial independence in Argentina, 314
- Association of Student International Law Societies: financial condition, 375-6; membership, 367, 378-80; officers, 367; projects of, 372-5; report of Executive Secretary, 366-80. *See also* Jessup Competition.
- Association of US Members of the International Institute of Space Law, 284
- Asylum: applicants for distinguished from refugees, 13; and "bootstrapping," 15; human rights of those seeking, 20-1; and proposed change in US definition, 15-6; and UN refugee definition, 14-5; US administrative procedures re, 20-1, 44; US law and policy on, 19-21. *See also* Human Rights, Refugees.
- Atlantic Alliance: economic relations with Third World, 231
- Atomic energy: *See* Nuclear energy.
- Atomic Industrial Forum (1981 Annual Conf.), 88
- Atomic weapons: *See* Nuclear weapons.
- Atoms for Peace program: reasons for failure, 78
- Attorney-General v. British Broadcasting Corporation*, 239, 250
- Auschwitz: as symbol, 27
- Australia: application of customary international law by national tribunals of, 232; immigration policy of, 44-5; incorporation of international law in statutes by reference, 233; legislative response to US extraterritoriality, 51, 52-3; ratification of UN LOS Conv. (1982), 118-9; at UNCLOS III, 110, 118; as uranium supplier, 79
- Australian Carriage by Air Act: 237
- Austria: and mass migration problems, 21
- Austria-Hungary, 135, 136; and Declaration of London (1909) in WWI, 138
- Aviation Week and Space Technology*, 287
- Babco Forwarding & Shipping (U.K.) Ltd., James Buchanan & Co. Ltd. v.*, 235, 236
- Badr, Gamal M. 75, 77; *Rems.* on religious freedom in Islamic law, 76; *Rems.* surveying Islamic international law, 56-61
- Bagg, Deborah A., 165
- Balance of power: in outer space, 286-7
- Balkin, Jeffrey, 195
- Banca della Svizzera Italiana, SEC v.*, 357
- Banco de Intercambio Regional: failure of New York branch (1980), 357-8
- The Banker*, 226
- Bankers Trust, 355
- Bank for International Settlements (BIS), 361

- Bank Herstatt: failure of, 357, 361
- Banking, international: *See* International banking.
- Bank of England: *See* United Kingdom, Bank of England.
- Bank Markazi, 11
- Bank regulation: effects of domestic on international banking regulation, 354, 355; objectives of, 360-2. *See also* International banking regulation.
- Banks, private: investment in Third World by, 221-2
- Barcelona Traction Case, 8
- Barras v. Aberdeen Steam Trawling Company Ltd.*, 233
- Bassiouni, M. Cherif, 60; *Rems.* on sources of Islamic law, 55-6
- Bay of Fundy, 156
- Beaughé, Victor: *Rems.* on Argentine view of Falkland Islands dispute with UK, 270-75, 282
- Beerbohm, Sir Max: *Quoted*, 301
- Beesley, Alan, 107, 119, 120; *Rems.* on accomplishments of UNCLOS III, 113-7, 117-8
- Belgium: and deep seabed mining, 116; and International Natural Rubber Agreement, 228; as nuclear supplier, 79
- Belize, Guatemalan claim to, 268; Inter-American Juridical Committee Resolution re, 279, 283
- Bell, James F., 12, 75
- Belligerent states: duties of, 139; and International Prize Court, 135-6; rights of, 140-1
- Bellini School, 58
- Bennett, John, 118
- Bennett, Ray, 195
- Bhajan Singh* case: *See R. v. Secretary of State for Home Affairs, ex parte Bhajan Singh.*
- Bible: and the Judaeo-Christian concept of God, 65-6
- Biko, Steve: effect of death of on South African lawyers, 324
- Bilder, Richard B., 7; *Rems.* on obstacles to arms negotiations, 34
- Biological weapons: as weapons of mass destruction, 285, 295-6
- Birch Shipping Corp. v. Embassy of Tanzania*, 177
- Birenbaum, David, 195
- Blix, Hans: Director General of IAEA, 98
- Borchard, Edwin, 8
- de Bougainville, Louis Antoine: and colonization of Falkland Islands, 271
- Boyle, Francis A., 147-9, 346, 347; *Rems.* on Hague Peace Confs., 130-1; *Rems.* on Law of the Sea aspects of Second Hague Peace Conf. (1907), 135-8; *Rems.* on SALT negotiations, 332-8; *Rems.* summarizing presentations re historical significance of Second Hague Peace Conf. (1907), 144-7
- Bradley, Omar: *Quoted*, 341
- Brandt Commission Report, North-South: A Program for Survival, 206
- Brazil, 79; and deep seabed mining, 117, 118; external debt of, 216-7; foreign investment law of, 207; as future nuclear supplier, 79; and international coffee market, 228; nonadherence of to NPT, 87; and nuclear safeguards, 80; and opposition to militarization of space, 289, 290
- Brecht, Berthold: *Quoted*, 305
- Brennan, Keith, 117, 118, 120; *Rems.* reviewing UNCLOS III, 107-10
- Bretton Woods system: *See* International economic regulation.
- Brezhnev, Leonid, 333
- Brierly, James L., 305
- British Broadcasting Corporation, Attorney-General v.*, 239, 250
- British Channel: boundary delimitation in, 151
- British colonial marriage policy in India, 75
- British Commonwealth: membership in as influence on immigration policy, 45
- British Rail, Garland v.*, 236
- Broches, Aron, 182-3
- Brower, Charles N., 11
- Brown, Harold, 335
- Brown v. United States*, 265
- Brunei: Malaysian claim to, 269
- Buenos Aires, Captaincy General of, 271
- Buenos Aires, colonial government of: and exploration of Falkland Islands, 272
- Buergenthal, Thomas: *Rems.* on role of lawyers in the Inter-American Court of Human Rights, 324
- Al-Bukhari, 70-1. *See also* Islamic law.
- Bundy, McGeorge, 343
- Burchell v. Marsh*, 176
- Burger, Warren E., State of the Judiciary Address (1982): *cited* re arbitration, 176
- Burton, Steven J., 260; *Rems.* on allocation of decisionmaking power among the branches of government, 261-2
- Buttes Gas and Oil Co. v. Hammer* 243, 258, 262-3



- California: attempted recall of Chief Justice of, 322; Mexican undocumented workers in, 42; population growth and illegal immigrants to, 37
- Calley, James, 140
- Calvo, Carlos: *Cited re historic title argument*, 281-2
- Cambodia: refugees to US from, 39
- Canada: administrative agencies of and international law, 263; application of customary international law by national tribunals of, 232, 256-7, 263; Arctic hydrocarbon exploration and development by, 51-2; Bill of Rights, 256; Charter of Rights, 257; constitutional law of, 263; Continental Shelf hydrocarbon exploration and development by, 51-2; development potential of, 49; dispute with France re St. Pierre and Miquelon Islands, 268; dispute with US re Georges Bank and Gulf of Maine, 150, 156; dual legal systems of, 267; and *Filartiga v. Pena-Irala*, 257; foreign investment in, 49-50, 54; foreign investment policy and GATT, 51; human rights law of, 257; immigration policy of, 44-5, 49-50; immigration to US from, 47; and international investment relationship with US, 47-55; legislative reaction to US extraterritoriality, 54; migratory bird treaty with US, 200; National Energy Program of, 51-2; as nuclear supplier, 79; Parliament of, 263; Privy Council of, 263; and ratification of UN LOS Conv. (1982), 118-9; and ratification of UN Covenant on Civil and Political Rights, 257; "refugee" definition of, 17; and "special relationship" with US, 48; third-country resettlement of refugees, 18; at UNCLOS III, 110, 113-4, 118; and US foreign policy, 51; US investment in, 50, 54
- Canada-US relations: Effects of US extraterritoriality on, 52-4; and legal aspects of international investment, 47-55
- Canadian companies: Effects of US foreign policy on, 51
- Canary Islands, Morocco/Spain dispute re, 268
- Cancun (Mexico) Conference (1981), 207
- Cape of Good Hope: UK occupation of (1806), 272
- Capital flows, 47-55: international legal framework for, 48-9
- Caribbean Basin: illegal immigration to US from, 41, 42, 43; need for development in, 43; need for stronger bank licensing requirements in, 362; USSR as threat to (1979), 334
- Caribbean Basin initiative of Reagan administration, 43
- Carl, Beverly May, 206, 229
- Carliner, David, 43, 44, 45, 46-7: *Rems.* on illegal immigration problems in US, 38-41,
- Carnegie Endowment for International Peace, 287
- Cartels: of commodity producers, 210
- Carter, *Goldwater v.*, 257
- Carter, Jimmy, administration of: decisions on refugees, 18; handling of Cuban refugee problem, 20; and legality of nuclear weapons, 33-4; Presidential Directive 59, 337; and SALT II, 33, 332-5
- Case Concerning the Continental Shelf (Tunisia v. Libyan Arab Jamahiriya)*: See *Libya-Tunisia Continental Shelf Case*.
- Case Concerning United States Diplomatic and Consular Staff in Iran (US v. Iran)*, 60-1
- Case law approach: problems of as to international law, 258-61
- Castile, Kingdom of, 57-8
- Castro, Fidel, 39
- Cattermole, *Oppenheimer v.*, 239, 258, 267
- Cayman Islands: as center for international banking, 352
- Central America: illegal immigration to US from, 41; as member of pre-WW I community of states, 146
- Central Bank of Nigeria, Trendtex Trading Corporation v.*, 234-5, 242-3, 264
- Central Powers: violations of laws of naval warfare in WW I, 138
- Centre for the Independence of Judges and Lawyers (CIJL): See International Commission of Jurists.
- Cernogursky, Jan, 320
- Certain Motor Vehicles and Certain Chassis and Bodies Therefor (Escape Clause case)*, 129
- Charney, Jonathan I., 165: *Rems.* on the international law effect of the judgment in the *Libya-Tunisia Continental Shelf Case*, 154-61
- Charter of Economic Rights and Duties of States, 206-7, 231, 305, 306
- Chemical Bank, 355
- Chemical weapons: as weapons of mass destruction, 285, 295-6
- Chemtob, Stuart, 129-30
- Chicago, Illinois: Mexican undocumented workers in, 42
- Chile: Antarctic claims of, 276-7; claims to South Orkney and South Shetland Islands, 275-6; human rights in, 313, 322, 325; in *I Congreso del Partido* case, 303-4; Inter-American Human Rights Commission investigations of, 313; judicial independence in, 325; ratification of Moon Agreement by, 288; as signatory of UN International Covenant on Civil and Political Rights, 322; suspension of right of amparo in (1973), 322; UN Commission on Human Rights Ad Hoc Working Group on, 313; use of martial law by, 317
- China, People's Republic of: effect of US policy on Canadian trade with, 51; land boundary dispute with India, 275; land boundary dispute with USSR, 275; as nuclear supplier, 79; nuclear weap-

- ons capability, 78; US rapprochement with (1979), 335; US recognition of (1979) and SALT II ratification, 333; use of mediation in, 306
- China, Republic of: See Taiwan.
- Christendom: medieval as part of heritage of pre-WW I international community of states, 146
- Christian concept of God: compared to Islamic, 65-6
- Christina, Queen of Sweden: execution of Swedish agent in France by, 303
- Church, Frank, 334
- CJIL Bulletin*, 314
- Civil defense: and nuclear war, 29
- Civilian courts: See Municipal courts.
- Civil law: as legislator's law, 56; systems, 10
- Civil strife: as cause of mass migration, 16
- Clagett, Brice, 11, 12, 165, 203; *Rems.* on revised draft Restatement, 200-1
- Claims conventions: need for clarity in, 6
- Clausen, A.W., 222-3
- Claydon, John, 263, 267; *Rems.* on incorporation of customary international law into domestic law, 255-8, 263
- Clinch River breeder reactor, 81
- Coastline configuration: and maritime boundary delimitation, 151. *See also* Continental shelf, *Libya-Tunisia Continental Shelf Case*.
- Coerper, Milo, 129
- Colco Dealings Ltd., Inland Revenue Commissioners v.*, 233
- Collins, Edward, 165
- Collins, Phillip J.: *Summary of Open Forum paper on international legal responsibility for extra-territorial radioactive fallout*, 298
- Colombia: and international coffee market, 228
- Colonialism: and Argentina/UK Falkland Islands dispute, 282-3
- Commercial law: in English legal system, 179-80; and international commercial arbitration, 183
- Committee on Present Danger, 334; "window of vulnerability" theory criticized, 335-6
- Common Fund for Commodities: institutional structure of, 213; voting in, 213
- "Common heritage of mankind," 109, 116-7, 287
- Common law, 303; and customary international law, 245-7, 250, 263-4; and domestic act of state doctrine, 262-3; English view of sovereign immunity, 234-5; and international law, 232-44, 262-3; and Islamic law, 68; lawyers and international law, 258-9, 267; and non-self-executing international law rules, 264-5; presumption of consistency with international law, 238; use of treaties in determining, 238-9, 250-1
- Common law tradition: and application of customary international law by national tribunals, 231-67; in Commonwealth countries, 264
- Common Market, 365
- Commonwealth countries: common law tradition in, 264; and conflict of laws rules, 267
- Communications: importance of space satellite systems to, 292
- Communist countries: voting in Common Fund for Commodities, 213
- Comoros: dispute with France re Mayotte Island, 268
- Compagnie des Bauxites de Guinee, Fuller v.*, 177
- Compensation for expropriation: as issue before Iran-US Claims Tribunal, 9
- Comprehensive Test-Ban Treaty, 337
- Concert of Europe, 146
- The Concordat: *See* Cooke Committee.
- Conference of Heads of States of the Non-Aligned Countries (1976), 274
- Conference of Non-Aligned Countries (1973), 274
- Conference on the Internationalization of Banking (1981), 354
- Conflict of laws rules: and international law interpretation, 267
- Connally Amendment, 149
- Connally Reservation, 148
- Constitutional law: *See* US constitutional law.
- Consumers Union v. Kissinger*, 129
- Container Corp. of America, US v.*, 125-6
- Continental shelf: definition of, 162; hydrocarbon exploration and development of by Canada, 51-2; in UN LOS Conv. (1982), 162
- Continental shelf delimitation, 151-2, 155, 162-3; international law of, 159-60; and land boundary projection, 158; in UN LOS Conv. (1982), 115, 162-3. *See also* *Libya-Tunisia Continental Shelf Case*.
- Conventional weapons: Final Act of UN Conf. on (1980), 144; and nuclear arms, 26, 30
- Conventional Weapons Convention: *See* UN Convention on Restrictions on the Use of Certain Conventional Weapons.
- Convention on the Execution of Foreign Arbitral Awards (1927), 167, 181
- Convention on the Law of Treaties: *See* Vienna Convention on the Law of Treaties.

- Cooke Committee, 354, 361-2, 363-4, 365; efforts criticized, 362-3; US delegation to, 355
- Cooper, Gary, 349
- Corfu Channel Case (U.K. v. Albania)*, 3
- Cosmos 1267, 287
- Costa Rica, Great Britain v. (Tinoco Case)*, 140
- Coulson, Robert: *Rems.* on choosing a forum for international commercial arbitration, 166, 183
- Court of Arbitral Justice, 133-4, 135, 137; Latin American opposition, 146
- Crawford, James, 257, 258, 261; *Rems.* on relationship of international law and common law, 232-44, 262-3, 264, 266-7
- Croff, Carlo, 183
- Lord Cross: *Quoted* on exclusion of foreign law under international law rules, 239-40
- Crusades, 57
- Cuba: effect of US policy on Canadian trade with, 51; in *I Congreso del Partido* case, 303-4; Mariel boat lift from, 20; refugees to US from, 17, 19, 39; USSR troops in (1979), 334
- Cuban-Haitian Entry Program (of US), 20
- Cuban missile crisis (1962), 84; Kennedy-Khrushchev agreement ending, 334
- Cultural objects: export of, 258
- Cummings, Richard, 34
- Cupp, *Sterling v.*, 248
- Curtiss-Wright Export Corp., United States v.*, 259
- Customary international law, 72; and archipelagic-state concept provisions in UN LOS Conv. (1982), 115-6; and bilateral treaties, 253-4; and common law, 245-7, 250, 263-5; compared to tort law, 259; and conflict of laws rules in interpreting, 267; Declaration of London as evidence of, 137-8; and EEZ, 164-5; evidence of, 185, 187, 253, 264; genocide as violation of, 190; importance of English language literature on, 265-6; incorporation of into domestic law, 255-8; lack of case law on, 260; and legality of nuclear weapons, 348; making of, 188; and national tribunal review of administrative actions, 249-50, 260; near-universal treaty adherence as evidence of, 84; problems of case law approach to, 258-61; revised draft Restatement and, 184-6, 187, 188, 189, 199-201, 203-4; slavery as violation of, 190; and "state of war", 134-40; status of UN LOS Conv. (1982) under, 161-5, 190, 196; statutory incorporation of, 245-6; uncertainty of, 247, 253, 255; and UNGA resolutions and declarations, 187, 201, 203-4; UN LOS Conv. (1982) as evidence of, 190; and US law, 184-6, 187, 188, 189, 199-200, 258-61. *See also* Customary international law, application of, Human rights law, International Law.
- Customary international law, application of: by Canadian courts, 232, 256-7, 263; in FRG, 258; by International Prize Court, 136; by national tribunals, 231-67; and political question doctrine, 257-8, 261-2; by US domestic tribunals, 251-5, 263-4
- Customs and Excise Commissioners, Allgemeine Goldund Silberscheideanstalt v.*, 241
- Cutler, Lloyd, 202
- Czechoslovakia: as future nuclear supplier, 79; intimidation of lawyers in, 320; Regional Lawyers Association (Bratislava) of, 320
- Dahl, Frederick, 354, 363-4, 365; *Rems.* on cooperative arrangements to supervise international banking, 360-2
- Damages: as issue before Iran-US Claims Tribunal, 9
- D'Amato, Anthony A.: *Rems.* on US mediation of Argentina/UK Falklands Islands dispute, 282-3
- Damrosch, Lori Fisler, 260; *Rems.* on application of customary international law by US domestic tribunals, 251-5, 266
- Davis, John: and discovery of Falkland Islands, 270
- Declaration of London Concerning the Laws of Naval War (1909), 134, 137-8, 146; legal nullity of, 138
- Declaration of Paris (1856), 137
- Deep seabed mining: as issue at UNCLOS III, 108, 109, 112-3, 114, 115, 116, 117-8, 119; revenue sharing, 115. *See also* Law of the Sea, (Third) United Nations Conf. on the Law of the Sea, United Nations (Draft) Convention on the Law of the Sea.
- De jure belli ac pacis*, 74
- Denial of justice, 8
- Denmark: and ratification of UN LOS Conv. (1982), 118-9
- Denmark, United Kingdom v. (the Red Crusader)*, 132
- Lord Denning, 202, 233, 234, 242-3, 249-50
- Deterrence system, 27-9
- Developed countries: economic relations among, 47-8; economic relations with Third World, 206-15, 230-1; and ICOs, 215; and NIEO, 305-6; voting in Common Fund for Commodities, 213. *See also* North/South relations.
- Developing countries: *See* Third World.
- Development: as issue in North/South dialogue, 207. *See also* Third World.
- Diego Garcia, 282, 283-4
- Dillard, Hardy Cross: presentation of Hudson Medal to, 300-1

- Lord Diplock, 233, 235, 236, 239  
 Diplomatic Conference on Humanitarian Law (1977), 144  
 Direct broadcast satellites (DBS): USSR perceived threat of, 292  
 Displaced persons: as refugees, 17  
 Dispute settlement, 72; international commercial, 166-84; by mediation, 306; provisions in UN LOS Conv. (1982), 113. *See also* International law.  
 Djibouti, Somalia/Ethiopia dispute over, 268  
 Dolzer, Rudolf, 11, 98  
 Domestic law: incorporation of customary international law into, 255-8  
 Draetta, Ugo, 11  
 Dual nationality: as issue before Iran-US Claims Tribunal, 8  
 Due process of law: and asylum-seekers in US, 21, 22  
 Duffy, P.J., 250  
 Dugard, John, 255, 256, 263, 264, 266; *Rems.* on application of customary international human rights law by national tribunals, 245-51; *Rems.* on lawyers as believers in the rule of law, 324  
 East Africa: Shafii school of Islam in, 70  
 Eastern Europe: and election of IAEA Director General, 98; use of mediation in, 306; USSR postwar domination of, 346  
 Eastern Railroads Presidents Conf. v. Noerr Motor Freight, Inc., 125-6  
 East India Company, 303  
 East Malaysia (North Borneo): Indonesian claim to, 269  
 East/West conflict: and decisionmaking under UN LOS Conv. (1982), 117; and Rio Treaty, 281  
 East/West relations: economic, 47-8  
 Economic arguments: in *Libya-Tunisia Continental Shelf Case*, 158  
 Economic migrants: as nonrefugees, 14  
 Economic sanctions, 9  
 Economic theory: classic, 216; supply-side, 215-27. *See also* Reaganomics.  
 Ecuador: enmity with Peru, 231; and international coffee market, 228  
 "Effects" doctrine, 191-2; in EEC antitrust law, 123. *See also* Jurisdiction.  
 Egypt: in IAEA, 98; accession to NPT, 84; agreement with US re peaceful uses of nuclear energy, 88; constitutional amendments of 1979, 62; Court of Cassation of, 61; and Islamic law, 62; and Middle East Nuclear Weapons Free Zone, 85; opposition to militarization of space, 289, 290  
 Einstein, Albert: *Quoted*, 341  
 Eklund, Sigvard: Director General of IAEA, 98  
 Ellerman Lines Ltd. v. Murray, 233, 235  
 Ellington, Nashville I-40 Steering Committee v., 201  
 El Salvador, 337; asylum in US for refugees from, 21; civilian courts in, 317; human rights in, 311, 313, 317; illegal immigrants from in Mexico, 37; Inter-American Human Rights Commission investigations of, 313; military courts and judicial independence in, 317; refugees to US from, 17  
 Embassy of Tanzania, Birch Shipping Corp. v., 177  
 Eminent domain, 201  
 Employment contracts: as issue before Iran-US Claims Tribunal, 8  
 Encyclopedia Britannica, 301  
 England: WW I naval warfare in waters of, 138. *See also* United Kingdom.  
 English Channel: WW I naval warfare in, 138  
 English common law: *See* Common law.  
 The Enterprise: *See* UN (Draft) Convention on the Law of the Sea, Environmental impact assessments, 53  
 Equatorial countries: geostationary orbit claims of, 287  
 Environmental law: in Restatements, 188  
 Equidistance-special circumstances rule: and continental shelf delimitation, 163-5; and maritime boundary delimitation, 150-3, 157-8. *See also* Continental shelf.  
 Equitable principles: in arguing future continental shelf delimitation cases, 159-60; and continental shelf delimitation, 150-3, 157-9, 159, 163-4; in international law, 152-3, 159  
 El-Erian, Abdullah, 60  
 Escape Clause case (*Certain Motor Vehicles and Certain Chassis and Bodies Therefor*), 129  
 Ethiopia: dispute with Somalia re Djibouti, 268; and human rights abuses, 14; illegal immigrants to US from, 41  
 Ethiopian refugees: as problem in Somalia, 45  
 Euratom, 91; US-Euratom Nuclear Agreement, 79  
 Eurodollar market, 352, 353  
 Europe: balance of power in, 145; economic relations with Third World, 231; and extraterritorial reach of US legislation, 196-7; as member of pre-WW I international community of states, 146; NATO decision to deploy TNWs in (1979), 334-5; Ottomans in, 57  
 European Commission of Human Rights, 234, 238; and right to fair trial, 313  
 European Community: view of international banking regulation, 358-60

- European Community, banking regulation in, 354, 355, 361, 364; among member countries of, 358-9; and third countries, 359-60
- European Community Commission: bank regulation rules of, 359
- European Community law: and UK court decisions, 232-4, 236
- European Convention for the Protection of Human Rights and Fundamental Freedoms (1950): application of by national tribunals, 246-7; Art. 6(1), 309; Art. 6(3), 309; Art. 13, 309; Art. 15, 310, 313; and Canadian law, 257; and decisions adverse to UK, 234; and judicial independence, 327; and remedies, 309; and right to counsel, 309; and right to fair trial, 309, 310, 313; UK cases involving, 238-9, 249-50; and UK courts, 256, 264, 265-6; and US human rights cases, 256
- European Council of Ministers: banking regulation rules of, 359
- European countries: and application of political question doctrine, 257
- European Court of Human Rights, 234, 238, 250; and right to fair trial, 313
- European Court of Justice, 123; and development of international law, 302
- European Economic Communities (EEC): agricultural levies compared to ICO Common Fund, 229; antitrust law, 123-4; and effects doctrine, 123; failure to ratify International Sugar Agreement, 214; and international human rights law development, 305; and revised draft Restatement, 202; and trade dispute settlement, 124, 129; trade law of, 123-4
- European Enlightenment: as part of heritage of pre-WW I international community of states, 146
- European imperialism, 145, 270
- European powers: colonial policy of in Americas in 19th Century, 270; and Mameluke Empire, 58; and Ottoman Empire, 58
- Europeans: In Iran-US Claims Tribunal: as arbitrators in, 5; views on counter-claims, 2; views on masters, 12; views on set-offs, 11
- Evensen, Jens: Dissent in *Libya-Tunisia Continental Shelf Case*, 158
- Evidence: under Hague Conv. (I) (1907), 132; in international commercial arbitration, 169, 171, 183-184
- Exclusion proceedings: in US, 44
- Exclusive economic zone (EEZ): coastal states' rights to defend, 115; and continental shelf delimitation, 112-3; 159, 161, 163-6
- Exclusive fisheries zone, 119, 164; coastal states' right to defend, 115. *See also* Exclusive economic zone.
- Exclusive resource zone, 164. *See also* Exclusive economic zone.
- Ex parte Indiana Transportation Co.*, 53
- Export-Import Transactions Law of Japan, 121-3; Outsider Regulation Provisions, 122
- Expropriation: in Restatements, 191, 197-8, 200-1, 203-4; US view on just compensation for, 191, 197-8, 203
- Extraterritorial impact assessments, 53
- Extraterritoriality, 51, 52-4: ABA recommendation of "prior notification procedure," 54; and international law, 53; possible mechanisms for resolving conflicts resulting from, 53-4; as product of defensive legislation, 54; revised draft Restatement on, 191-4, 196-7. *See also* Jurisdiction.
- Fair trial, right to: *See* Judicial process.
- Falk, Richard A., 25-6, 340; *Rems.* on arms control agreement observance, 35; *Rems.* on definition of aggression, 31; *Rems.* on lawyers' role re nuclear weapons and world order, 23-5; *Rems.* on legality of nuclear weapons, 26, 33-4; *Rems.* on nonproliferation, 34, 36; 35; *Rems.* on US conventional war capability, 31; *Rems.* on US "no first use" of nuclear weapons declaration, 33, 34, 35
- Falkland Islands: colonization of, 270-3; expedition of *Heroína* to (1820), 272; Port Egmont, 270, 273; Port Louis, 271; Port Soledad, 271, 273; UK departure from Port Egmont (1774), 272; US attack upon Port Soledad (1831), 272
- Falkland Islands, Argentine/UK dispute re, 26, 267-84; effect of Argentine invasion on international banking system, 353, 357; Argentine self-defense case, 274-5, 280; comparable cases, 269; forcible eviction of Argentine settlers by UK (1833), 273; Inter-American Juridical Committee resolution re, 277, 278-9; international significance of, 269; law of sovereignty and, 277-8; principle of self determination and, 277-8;
- Falkland Islands Company Limited, 274
- Federal Internationale des Ingenieurs-Conseils (FIDIC): arbitration rules, 179
- Federal Republic of Germany (FRG): *See* Germany, Federal Republic of.
- Federal Republic of Germany v. The Netherlands (North Sea Continental Shelf Cases)*, 150-1, 163
- Federal Securities Code: *See* US Federal Securities Code.
- Feinrider, Martin A., 325
- Feldman, Mark B., 9, 165; *Rems.* on *Libya-Tunisia Continental Shelf Case*, 150, 153-4, 160-1
- Feller, Abraham, 6, 8
- Fernandez v. Wilkerson*, 248, 256; and Canadian law, 257
- Filartiga v. Pena-Irala*, 233, 253, 256; and Canadian law, 257
- Final Report and Recommendations of the Senate Select Commission on Immigration and Refugee Policy* (1981), 36. *See also* Senate Select Commission on Immigration and Refugee Policy.



- Financial markets: internationalization of, 352-66
- Financial systems: interdependence of domestic and international, 352-3
- Finch, Edward R. Jr.: *Rems.* on arms control in outer space, 286-7, 295-6
- Firestone Tire case (EEC), 202
- El-Fishawy, Saad, 75; *Rems.* on contracts and litigation in Islamic law, 61-5
- Fisher, Adrian, 205
- Fisher, Roger, 339; *Rems.* on challenge of preventing nuclear war, 341-5, 346, 347, 348; *Rems.* on "linkage," 348-9
- Fisher, Roger, Improving Compliance with International Law, 344
- Fisheries Development Corp., *Michele Amoruso e Figli v.*, 177
- Fisheries Jurisdiction Case (U.K. v. Iceland), 161.
- Flag of Convenience case, 204
- Florida: refugees from Cuba in, 39
- Ford, Gerald, administration of: and SALT II treaty, 333-4
- Foreign Claims Committee, 10
- Foreign Investment Review Agency of Canada: 51, 52, 54
- Foreign law: and international law, 239-40
- Foreign Relations Law of the US, restatements: *See* Restatement of the Foreign Relations Law of the US.
- Foreign Trade Control Law (Japan), 121, 122-3
- Foreign Trade Control Order (Japan), 128
- Fothergill v. Monarch Airlines Ltd., 235-6, 237, 239
- In re Fotochrome, 177
- France, 135; bank secrecy laws of, 356-7; and colonization of Falkland Islands, 271, 273; and Declaration of London (1909) in WW I, 138; and deep seabed mining, 116, 118; and dispute with Canada re St. Pierre and Miquelon Islands, 268; and dispute with Comoros re Mayotte Island, 268; and EEZ, 164; execution of Swedish agent in by Queen Christina of Sweden, 303; and foreign bank examiners, 362; as international commercial arbitration site, 166; International Space Monitoring Agency proposal of, 284; legislative response to US extraterritoriality, 54; and Mameluke Empire, 58; membership on Iran-US Claims Tribunal, 1, 266; as nuclear supplier, 79; nuclear weapons capability, 78; as recipient of foreign investment, 48; refugee problems of, 45; use of civilian courts to try military personnel in, 318; and US-Euratom Nuclear Agreement, 79; views on just compensation for expropriation, 204
- France v. Norway (Norwegian Loan Case), 133
- Frank, Thomas M., 277; *Rems.* on legal perspective of Falkland/Malvinas dispute, 267-70, 280-1, 283-4
- Franco-Ottoman treaty (1535), 58
- Franco-Prussian War (1870): and development of international law, 302
- Franke, Ulf: *Rems.* on Sweden as site for international commercial arbitration, 166-72, 182, 183, 184
- Franklin National Bank: failure of, 357, 361, 364
- Lord Fraser, 250
- French-Korean nuclear supply agreement, 79
- French-Pakistani nuclear supply agreement, 79
- French Revolution: as part of heritage of pre-WW I international community of states, 146
- Friendly, Henry, 202, 204, 205
- Friendship, Commerce and Navigation treaties, 48: US/Iran, 1955, 9; US/Japan and US equal employment laws, 252
- Fuller Co. v. Compagnie des Bauxites de Guinee, 177
- Furnish, Dale, 230, 365; *Rems.* on Third World trade problems, 206-10, 231
- Gabon: as uranium supplier, 79
- Gaboto, Sebastian: Planisphere of (1544), 270
- Galtieri, Leopoldo F., 319
- Gaius, 67
- Gardner, Richard N., 117; *Rems.* on lawyers as managers of adversary relationships, 32
- Garland v. British Rail, 236
- Garwin, Richard, 341
- Gaudet, Michel: *Rems.* on ICC Court of Arbitration, 172-5, 182, 183, 184
- General Agreement on Tariffs and Trade, 125; and Canadian foreign investment policy, 51; and Mexico, 209-10; Ministerial Meeting (1982), 208; overload of dispute settlement mechanisms, 54; and Third World trade problems, 208-10, 223; Tokyo Protocol (1978), 209; and trade barriers, 208-9
- Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), 311
- Geneva Convention for the Amelioration of Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea (1949), 311

- Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), 141, 311
- Geneva Conventions on the Laws of War (1949), 24, 33; Common Art. 3, 311-2; Additional Protocols: US reservation re nuclear weapons, 348; Protocol I (1977), 142, 340; Protocol II (1977), 312, 340; and judicial independence, 311-2; and legality of nuclear war, 340
- Geneva Gas Protocol: *See* Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925).
- Genocide: in customary international law, 190
- Geographic proximity: and perfection of title in international law, 269
- Geography: and continental shelf delimitation, 154, 158
- Geology: and continental shelf delimitation, 154
- Geomorphology: and continental shelf delimitation, 154, 158
- George v. Morgan Constr. Co.*, 256
- Georges Banks, 150
- Geostationary orbit: claims of equatorial countries to, 287
- German-Brazilian nuclear supply agreement, 79
- German Democratic Republic: as future nuclear supplier, 79
- Germany, 135, 136; in WW I, 138. *See also* Germany, Federal Republic of.
- Germany, Federal Republic of (FRG): application of customary international law by Supreme Court of, 258; and deep seabed mining, 115; extraterritorial activities of banks of, 361-2; and foreign bank examiners, 362; and incorporation of customary international law, 258; and mass migrations, 21; as nuclear supplier, 79; as recipient of foreign investment, 48; refugee problems of, 45
- (Nazi) Germany: relations with Sweden, 266
- Gibraltar: Spain/UK dispute re, 268
- Glenn, John, 91, 99; *Rems.* on US nuclear nonproliferation policy, 78-82
- Goa: India/Portugal dispute re, 269
- Golbert, Albert S.: *Rems.* on US illegal immigration problems, 45
- Goldberg, Rube, 29
- Goldklang, Jack, 200, 202, 265; *Rems.* on revised draft Restatement, 198-9
- Goldman, Robert Kogod, 324, 325; *Rems.* on international legal standards concerning the independence of judges and lawyers, 307-16
- Goldwater v. Carter*, 257
- Gomez, Esteban, 270
- Gordon, Edward, 231-2, 264-5; *Rems.* on difficulties of applying case law approach to customary international law, 258-61, 266
- Gormley, W. Paul: *Summary* of Open Forum paper on the Universal Declaration of Human Rights and protection of human rights, 299
- Gorove, Stephen, 99; *Rems.* re arms control in outer space, 284-5, 294-5, 296
- Gotlieb, Allan E.: *Rems.* on Canada-US experience of legal aspects of international investment, 47-55.
- Government of Pakistan, Thai-Europe Tapioca Service v.*, 242-3
- Graham, Daniel, *The High Frontier*, cited, 287
- Great Britain: *See* United Kingdom.
- Great Britain v. Costa Rica (Tinoco Case)*, 140
- Greco-Roman tradition: compared to Islamic tradition, 73
- Greece: as part of heritage of pre-WW I international community of states, 146
- Greek philosophy: and Islamic law, 65
- Greek refugees: as problem in FRG, 45
- Green Book*: *See* US Proposals for Amendments to the Draft Convention on the Law of the Sea (1982).
- Green, Leslie C.: *Rems.* on self-determination and Argentina/UK dispute re Falkland Islands, 281-2
- Griffin, Joseph, 195
- Griswold, Erwin, 202
- Gromyko, Andrei, 344
- Gros, André: dissent in *Libya-Tunisia Continental Shelf Case*, 161
- Gross, Leo, 148, 149; *Rems.* on Second Hague Peace Conv. for the Peaceful Settlement of International Disputes, 131-4
- Grotius, Hugo, 74; possible Islamic influence on, 74-5
- Ground Zero Week, 27, 28
- Group of 10 and Switzerland, 361; and cooperative arrangements for international bank supervision, 361. *See also* Cooke Committee.
- Group of 30, 366
- Group of 77: and NIEO, 210; and ICOs, 210-3; in UNCTAD, 210; at UNCLOS III, 109, 114
- Guatemala: claim to Belize, 268; "disappearances" in, 320; illegal immigrants from in Mexico, 37; IJC resolution re claim to Belize, 279; intimidation of lawyers and judges in, 320
- Guerrillas: legal status of, 141-2

- Gulf of Gabes: in *Libya-Tunisia Continental Shelf Case*, 154, 155-6  
 Gulf of Maine: Canada-US dispute re, 150, 156  
 Guyana: Venezuelan claim to, 268
- Habeas corpus, writ of, 311; in Argentine case, 319  
 Hackworth, Green, 8  
 "Hadith": compilation of sources of, 70-1; and Islamic law, 62, 66-7, 70, 76, 77. *See also* Islamic law.  
 Hague Convention (I) for the Pacific Settlement of International Disputes, 6, 24, 33, 131-4; Arts. 52-54, 132; Art. 73, 133; Arts. 75-76 (evidence), 132; Arts. 86-90 (procedures), 132-3  
 Hague Convention on the Recognition of Divorces and Legal Separations (1975), 237-8  
 Hague Convention No. 1 Regarding the Establishment of an International Prize Court, 133-4, 135-7; Additional Protocol, 136, 137; Art. 7, 136; Art. 8 (remedy of restitution), 136  
 Hague Convention Relative to the Conversion of Merchant Ships into Warships, 137  
 Hague Convention (II) Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts, 133  
 Hague Convention (III), 139-41  
 Hague Convention (IV), Respecting the Laws and Customs of War on Land, 140-2, 144; Art. 22, 140; Art. 23, 141; Art. 36, 141; Art. 55, 141  
 Hague Convention (V), Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, 142-3; British reservation to Ch. III, 143  
 Hague Convention (IX) Concerning Bombardment by Naval Forces in Time of War, 143-4  
 Hague Convention (XIII) Concerning the Rights and Duties of Neutral Powers in Naval War, 143  
 Hague Conventions on the laws of war (1907), 130-49; and legality of nuclear war, 340; subjects covered by, 131  
 (First) Hague Peace Conference (1898), 130, 146  
 (Second) Hague Peace Conference (1907), 130-49; Final Act, 130-1, 133; Committee of Jurists, 133; Declaration XIV of 1907 Prohibiting the Discharge of Projectiles and Explosives from Balloons, 144; historical significance, 130-49; US delegation to, 131  
 (Third) Hague Peace Conference (proposed), 146  
 Hague Peace Conferences: Commissions of Inquiry, 132, 133; the International Bureau (permanent organ), 132; International Union of, 131  
 Hague Protocol (1955), 236-7  
 Haig, Alexander, 85, 344  
 Haiti: refugees to US from, 19, 20, 21, 42-3  
 Haley, John O., 127-9; *Rems.* on legal framework of foreign trade in Japan, 121-3  
 Hall, W.E.: travels of, 301  
 Hamilton, Andrew: defender of Peter Zenger, 323  
*Hammer, Buttes Gas and Oil v.*, 243, 244, 258, 262-3  
 Han, Henry, 347  
 Hanafi school, 64, 75. *See also* Islamic law.  
 Hanbali school, 64. *See also* Islamic law.  
 Hand, Learned, 204  
 Hanifi school, 69. *See also* Islamic law.  
 Hargrove, John Lawrence: Report of ASIL Director of Studies, 101-4  
 Harlan, John, 191, 203  
 Hassan, Farooq A., 75, 76-7; *Rems.* on the sources of Islamic law, 65-75  
 Hatfield, Mark, 30  
 Hawkins, Richard: and discovery of Falkland Islands, 270  
 Helman, Gerald B., 286  
 Helsinki Agreement, 302  
 Henkin, Louis, 195, 196, 198, 199-200, 202-3; *Rems.* on revised draft Restatement, 186-91  
 Hernandez, Antonia, 43, 44, 45, 46, 47; *Rems.* on illegal migrants in US, 41-3  
 Heroína: expedition to Falkland Islands of (1820), 272  
 Herron, Lawry W., 99; *Rems.* on IAEA safeguards, 90-8  
 Hesburgh, Theodore, 46  
*Hesperides Hotels Ltd. v. Aegean Turkish Holidays Ltd.*, 240  
 High Noon, 349  
 Hiller, David: *Rems.* on US illegal immigration problem, 43-4, 47.  
 Hindus: and marriage law, 75  
 Hiroshima: as symbol, 27; US nuclear bombing of (1945), 82, 339, 347  
 Hirsch, Elaine: *Quoted*, 354  
 Hispanic Community: impact of immigration legislation on, 42  
 Historical objects: and international legal implications of UNCLOS III, 296  
 Historic right argument: by Argentina in Falkland/Malvinas dispute, 269-75, 280-2; and continental shelf delimitation, 154-5, 156-7, 164; and perfection of title, 268-9; by Tunisia in *Libya-Tunisia Continental Shelf Case*, 154-5, 164

- Hoellering, Michael F.: *Rems.* on arbitration in the US, 175-8, 183-4
- Holmes, Oliver Wendell, 53, 259
- Holocaust: and development of international human rights law, 305; as metaphor for modern-day carnage, 339
- Homma, 140
- Honda Motor Car Co., 128
- Honduras: illegal immigrants from in Mexico, 37
- Hong Kong: as center for international banking, 352
- Horlick, Gary, 127
- Houck, John, 188, 189, 200, 202, 203, 204, 205; *Rems.* on ABA review of revised draft Restatement, 194-8
- Huddleston, Walter D.: proposed revision of refugee definition, 15-16
- Hudes, Karen, 230-1, 365
- Hudson, Manley O.: *quoted* on Court of Arbitral Justice, 134
- Hughes, Charles Evans, 188
- Humanitarian law: Diplomatic Conf. on (1977), 144; judicial independence and, 311-2; relation to human rights law, 324. *See also* Human rights law, international.
- Human rights: of applicants for asylum, 20-1; in Argentina, 311, 313, 314, 316, 317-9, 325; in Chile, 313, 322, 325; importance of judicial independence to protection of, 308; in Nicaragua, 318, 319, 3210; of refugees, 37; relevance of Universal Declaration of Human Rights to protection of, 299; and Senate Bill 2222, 38, of undocumented workers, 42. *See also* Judicial independence.
- Human rights abuses: in Ethiopia, 14; of Haitian refugees in US, 20-21; and refugee problems, 14; and UN refugee definition, 14-15; victims of and implementation of international legal standards, 313-4. *See also* Asylum, Refugees.
- Human rights conventions: clauses re judicial independence, 326-8; derogation clauses, 310
- Human rights law, domestic: Canadian, 256-7
- Human rights law, international: and act of state doctrine, 258; application of by national tribunals, 245-51; and arbitrary imprisonment, 247; in Argentina, 311, 317; cases on European Convention on Human Rights in UK, 238, 249-50; and common Art. 3 of the Geneva Conventions on the Law of War (1949), 311-2; derogation of, 310-2; development of, 304-5; in El Salvador, 311, 313, 317; importance of teaching in law schools, 324; independence of judiciary under, 326-7; and independence of legal profession, 327-8; military courts and, 316-7, 326; race discrimination, 247, 249; remedies, 309-10; in Restatements, 186, 187-8, 190; and South Africa, 249; and torture, 190, 247; and UK, 232-44, 246, 247, 250-1; and US, 247-8; in US courts, 260; and US Supreme Court, 265; in Uruguay, 311. *See also*, Humanitarian law, Judicial independence, Laws of war.
- Hurgonje, Snouck, 67
- Hyde, Charles Cheney, 8
- Hydrocarbon development: in UN LOS Conv. (1982), 112
- Ibn-Hanbal, Ahmad, 62; 70. *See also* Islamic law.
- Ibn-Iyas, 58. *See also* Islamic law.
- Ibn-Majah, 70-1. *See also* Islamic law.
- ICBMs: *See* Intercontinental Ballistic Missiles
- Iceland, United Kingdom v. (Fisheries Jurisdiction Case)*, 161
- I Congreso del Partido* case, 235, 244, 262-3, 264; discussed by The Lord Wilberforce, 303-4
- Idemitsu Kosan K.K., Japan v.*, 128-9
- ILEA, Ahmed v.*, 238
- Illegal immigrants: apprehensions in US of, 36; causes of, 42; net inflow to US, 36; as nonrefugees, 14; as problem in US, 36-47; to US from Latin America, the Caribbean Basin and Central America, 41, 42; and US unemployment, 37, 40-1, 43-4; visa abusers, 41. *See also* Immigration, Mass migration, Migrants
- Illinois Central Railway Claim, 7
- Immigration: threat of uncontrolled, 36; US need to prevent uncontrolled, 38, 43-4; and US population growth, 36-7, 39-40. *See also* Illegal immigrants, Mass migration, Migrants
- Imperialism: European, 145
- Imprisonment: arbitrary as violation of international human rights law, 247
- India, 119; British colonial marriage policy in, 75; claim to Goa of, 269; and deep seabed mining, 117, 188; Hanifi and Shafii schools of Islam in, 70; land boundary dispute with China, 275; nonadherence to NPT, 87; nuclear capability of, 78, 79, 87, 89
- Indian refugees: as problem in UK, 45
- Indochina: refugees to US from, 39
- Indonesia: claim to East Malaysia (North Borneo) of, 269; opposition of to militarization of space, 289, 290
- Industrialized countries: *See* Developed countries.
- Industrial revolution: as part of heritage of pre-WW I community of states, 146
- INFCIRC/66/Rev. 2. *See* IAEA, Nuclear safeguards

- Informal Composite Negotiating Text (ICNT): See UN (Draft) Convention on the Law of the Sea.  
 Informal Single Negotiating Text (ISNT): See UN (Draft) Convention on the Law of the Sea.  
*Inland Revenue Commissioners v. Colco Dealings Ltd.*, 233  
 Innocent passage, right of: See Law of the Sea, Territorial sea.  
 Institute of Business Law & Practice, 174. See also International Chamber of Commerce Court of Arbitration.  
 Intelsat communications satellite system, 297  
 Inter-American Commission on Human Rights: and judicial independence, 313, 324  
 Inter-American Court of Human Rights, 324  
 Inter-American Juridical Committee (IJC): resolution re Falkland Islands, 277, 278-9, 280, 283; resolution re Belize, 279, 283; resolution re Panama Canal Zone, 279, 283  
 Inter-American Treaty of Mutual Assistance (1947), 279; and Argentina/UK Falkland Islands dispute, 276; Art. 1, 276; Art. 9, 276, 281; and East/West conflict, 281; Organ of Consultation, 276; use of force under, 276  
 Intercontinental Ballistic Missiles (ICBMs), 33; and arms control in outer space, 293-4; defenses against, 286-7; US, 335-6; USSR reliance on, 332-3, 335-6  
 Interest: As issue in Iran-US Claims Tribunal, 4, 9; in Islamic law, 63-5, 77  
 Interim Agreement Between the United States and the U.S.S.R. on Certain Measures with Respect to the Limitation of Strategic Offensive Arms (1972) (SALT I), 86  
 International agreements, 204; in revised draft Restatement, 188, 195-6; law in, 185; UK approach to statutes implementing, 235-6; and US Constitution, 185. See also Treaties.  
 International Association of Judges: and Meeting of Experts on the Independence of the Judiciary, 329-30  
 International Association of Penal Law: Committee of Experts on the Independence of the Judiciary, 315; Meeting of Experts on the Independence of the Judiciary, 329-30  
 International atomic authority: possibility of, 99. See also IAEA, Nuclear safeguards.  
 International Atomic Energy Agency: Board of Governors of, 88-9, 91, 92, 93, 94, 96, 97, 98; challenges facing, 83-4; Director General of, 92, 93, 94, 96, 97; General Conf. of (1981), 98; inspections by, 92-3; and nuclear safeguards, 83-5; 90-8; objectives of, 83; politicization of, 84, 97-8; Reagan Administration support for, 83; Safeguards System of (INFIRC/66/Rev. 2) 92, 93, 94-5, 97; Secretariat of, 91, 92, 98; Statute of, 96, 98; and undeclared nuclear material and facilities, 94-5; weaknesses, 80. See also International atomic authority, Nuclear safeguards, Treaty on the Non-Proliferation of Nuclear Weapons.  
 International bank failures, 357-8  
 International banking: characteristics of 360; Third World loans, 215-7, 353; vulnerability of system to international crises, 353. See also International banking regulation.  
 International banking regulation: and bank secrecy laws, 356-7; cooperative efforts in, 352-66; and EC, 358-60; and economic sanctions, 357; infrastructure, 353-8; political/economic considerations and, 363; possibility of international regulatory agency, 364-5; and savings and loans, 366. See also International banking.  
 International Bar Association: Committee on the Administration of Justice "Project on Minimum Standards of Judicial Independence," 315, 329, 330  
 International Center for the Settlement of Investment Disputes, 182-3, 223  
 International Chamber of Commerce Court of Arbitration, 172-5; advantages of for international commercial arbitration, 172-3; arbitration supervision, 174-5; arbitrator selection, 173-4; arbitrator training, 174; commercial law in, 183; creation of, 173; Director for Administration, 175; evidence, 184; General Counsel, 175; and Institute of Business Law and Practice, 174; methods of, 173; nationalities using, 173; President of, 174; procedures of, 173; proceedings outside France, 174, 177; rules of, 173, 179, 182, 183; secretariat, 175; Secretary-General, 175; site selection by, 174  
 International claims law: and Iran-US Claims Tribunal, 6  
 International Cocoa Agreement (1981), 214  
 International Coffee Agreement (1975), 214  
 International coffee market, 228  
 International commercial arbitration: forum selection, 166-84; ICC Court of Arbitration, 172-5; in London, England, 178-82; in Sweden, 166-72; in US, 175-78  
 International Commission of Jurists, 308, 313-4; CIJL, 314, 315; *CIJL Bulletin*, 314; draft definition of meaning of judicial independence, 315-6; and the Meeting of Experts on the Independence of the Judiciary, 329-30  
 International Commodity Organizations, 227-30; Common Fund for Commodities, 210-3; Common Fund concept likened to US farm subsidy program, 229; Group of 77 support for, 211-3; UNCTAD Integrated Programme, 211  
 International Cotton Institute, 214  
 International Court of Justice (ICJ), 3, 8, 60-1, 149; and Argentine/UK dispute re Falkland Islands, 278; contract debts, 133; jurisdiction of, 148; and Moroccan case, 277  
 International Court of Justice and Libya-Tunisia Continental Shelf Case: concurring opinions, 161, 164; decision discussed, 150-65; dissents, 158, 160-1, 162, 163-4



- International Court of Justice Statute, 132, 154; Art. 36(2), 148; Art. 38, 341
- International Covenant on Civil and Political Rights: *See* UN International Covenant on Civil and Political Rights.
- International Development Agency, 224
- International economic relations: law of in revised draft Restatement, 188
- International economic system: benefits of multilateral development assistance, 224-5; Bretton Woods, 223
- International financial institutions: and Reagan Administration international economic policy, 215-27; voting structures of, 230
- International Human Rights Law Group, 314
- International investment: hidden ways to obstruct, 54; international law of, 49; lack of GATT counterpart for, 54; by IFIs in Third World countries, 215-27; legal aspects re Canada-US, 47-55; OECD 1976 Declaration on, 52; promotion of private by MDBs, 217, 220-3; in Third World countries, 217; WB guarantees for, 222
- International Investment Insurance Agency (World Bank proposal): proposed Articles of Agreement of, 223
- International Labor Organization: Model Safety Code for Industrial Establishments, 256; as origin of phrase "mobilization of shame," 321
- International law: and aliens, 302; Argentine violations of, 275-6; and Argentina/UK dispute re Falkland Islands, 267-84; CERDS as part of, 305, 306; and challenge of nuclear energy, 82; Christian origin of, 61; and common law, 232-44, 267; and common law lawyers, 258-9; contribution to of UNCLOS III, 111-13, 114; definitions of jurisdiction as applied in the UK, 241-4; economic rights of aliens under, 191; effect of ICJ decision in *Libya-Tunisia Continental Shelf Case* on, 154-61; equitable principles in, 152-3, 159; ethnocentricity of, 265-6; Eurocentricity of, 58, 71-2; executive certification of, 240-1; and extraterritoriality, 53-4; and foreign law, 239-40; and geographic proximity, 269-70; and historic title to territory, 268-70; implications of UNCLOS III re archaeological and historical objects, 298; incorporation by reference into national statutes, 233; individual in, 304-5; international and domestic disputes and development of, 302-3; Islamic, 56-61, 71-4; and Islamic states, 58-9; and land boundary disputes, 275-6; and legality of nuclear weapons, 24-5, 26, 33-4, 187, 340-1, 345-6; and maritime warfare, 135-8; in medieval period, 301-2; and municipal law, 232-44; and nuclear war prevention, 344; in outer space, 287; and perfection of title, 268-70; and the powers of governments, 23-5; principles of and nuclear weapons control, 337-8; relation to municipal law, 71-2, 73-4; and recognition of nonstate entities, 299; and responsibility for extraterritorial radioactive fallout, 298; and revised draft Restatement, 184-205; and right of Falkland Islanders to self-determination, 275, 277-8; right to fair trial as preemptory norm of, 312; sanctions in, 302; self-determination in, 268-70; sources of, 188; sovereign immunity in, 187; and sovereignty over Falkland Islands, 275, 277-8; states as subjects of, 71-2, 136; status of individuals under, 136; subjects of as creators of, 59; treaties, 72; and US space development policy, 294; use of masters in, 12-13; and WW I, 146-7. *See also* Customary international law, Human rights law, international, Private international law, Use of force.
- International Law Association: subjects under study by, 306-7
- International Law Commission, 112, 132, 150
- International lawyers: background needed, 301; challenges for, 306; in contemporary society, 301-7
- International League for Human Rights, 314
- International Legal Materials*, 301; editorial board of, 383
- International minerals market, 228-9
- International Monetary Fund, 215, 217, 225, 230; *Guidelines on Conditionality*, 226; and international "Reaganomics," 225-6; Reagan Administration criticism of, 226-7; SDRs, 225-6
- International Natural Rubber Agreement (1979), 214, 227-8
- International Nuclear Fuel Authority, 79
- International organizations: and independence of judicial process, 312-3; and nuclear weapons control, 337-8; proliferation of, 195-6; role of national liberation movements in, 108. *See also* Regional organizations.
- International Parliamentary Union, 130
- International Prize Court, 133-4, 135-8, 146-7; belligerents and, 135-6; composition of, 136-7; neutral states' rights, 135-6; right of appeal, 136; standing to sue, 136. *See also* Hague Conv. No. 1 Regarding the Establishment of an International Prize Court.
- International prize law: and UK, 264
- International Sea-Bed Authority, 115, 117, 118. *See also* Deep seabed mining, (Third) UN Conf. on the Law of the Sea, UN (Draft) Convention on the Law of the Sea.
- International Space Monitoring Agency (proposed by France), 284
- International Sugar Agreement (1977), 214
- International Tin Agreement (1981), 214
- International trade regulation: commodity, 210-5. *See also* Trade, Trade disputes, Trade law.
- Iqbal, Sir Mohammed, 68
- Iran: attack on by Iraq (1980), 340; land boundary dispute with Iraq, 275; refugees from in US, 17;

- repudiation of international obligations by bank of, 365; Shia school of Islamic law, 63
- Iran and Iran-US Claims Tribunal: arbitrators, 5, as beneficiary of tendency to compromise, 5, challenge to Judge Niels Mangard, 4; claims against US banks, 3, desires for settlements, 12; and FCN Treaty with US, 9; interest in outcome, 13; membership, 1; and replenishment of initial fund, 11; resistance to expansion, 5; views on issues, 2, 3, 4, 11
- Iranian assets, freeze of (1979), 352, 353, 357; and international financial effect, 357
- Iranian claims cases: effect on of revised draft Restatement, 203
- Iranian courts: as forum for contract dispute settlement, 4
- Iranian hostage incident (1979-1981), 60; and development of international law, 302-3; and US District Courts, 254-5
- Iranian judicial system, 4
- Iranian law: experts on in Iran-US Claims Tribunal, 12
- Iran-United States Claims Settlement Agreement, 1; ambiguity of, 6; commercial law principles in, 8; in context of international arbitration, 5-9; dual nationality in, 8; hasty drafting of, 6; lack of clarity of, 6; provision for counterclaims in, 2
- Iran-United States Claims Tribunal, 1-13; administrative aspects of, 4; amicus briefs in, 2; Case A-2, 3; claimants' statements filed, 2; claims against US banks in, 3; claims' merits in, 3; composition of, 1; in context of international arbitration, 5-9; contract claims in, 7, 11; counterclaims in, 12; creation of, 9-10; cross-examination in, 2, 10; debt claims in, 7; establishment of, 1; experts in, 12, 13; headquarters of, 4; initial fund, 3; Iranian challenge to Judge Niels Mangard, 4; Iranian views of, 3; Iran-US FCN Treaty in, 9; issues before, 1, 3, 4, 5, 7, 8-9, 11; languages of, 2; large claims in, 7, 9-11, 12; Legal Adviser's Office of US DoS and, 9-10; liability of bank for fund, 4; London negotiations toward, 10, 11; lump-sum settlement of large claims, 10; masters in, 12; and municipal law rules, 8; need for settlement pattern in, 2; negotiated settlements, 4, 10, 11-12; opportunities of, 6; powers of president of, 11; prehearing evidentiary confs. in, 2-3, 10; progress in, 1; records of, 2; rules of, 1, 2; as sensitizing process for US, 266; setoffs in, 2, 11; settlement filing procedures, 12; simultaneous translation in, 10, 12; slowness of, 5; small claims in, 7-9; staff size of, 12; stockholder claims, 9, task of, 10; tendency to compromise as problem in, 5, 10-11; third party arbitrators, 13; US coordination of arguments problem in, 7; Vienna negotiations toward, 10, 11. *See also* Iran and Iran-US Claims Tribunal, US and Iran-US Claims Tribunal.
- Iran, US v. (Case Concerning United States Diplomatic and Consular Staff in Iran)*, 60-1
- Iraq: attack on Iran by, 340; land boundary dispute with Iran, 275
- Iraqi nuclear research center: Israeli attack on, 78, 91; nuclear capability of, 78; as party to NPT, 78
- Iraqi school, 69. *See also* Islamic law.
- Ireland: and ratification of UN LOS Conv. (1982), 118-9; WWI naval warfare in waters of, 138
- Irish troubles: and development of international law, 302
- Islam, advent of in Arabia, 60; historic ages of, 56-8 relations of with non-Islamic states, 56-8;
- Islamic commandments of God, 66
- Islamic concept of God, 65-6
- Islamic international law, 56-61; individual in, 73-4; and municipal law, 72, 73-4; origins of, 56-9; possible influence on Grotius, 74; state concept of, 59-60, 71-4; and treaties, 73-4; and use of force, 73-4. *See also* Islamic law.
- Islamic jurisprudence, 66-8; characteristics of 74-5. *See also* Islamic law.
- Islamic law ("shariah"), 55-77; and aliens, 60; applicability in Muslim countries, 62; and common law, 68; contemporary, 61; and contemporary problems, 56; contracts and litigation in, 62-5, 73-4; and crime, 63; and "dar al-harb", 56-7; and divorce, 63; emphasis on ethical considerations, 59-60; the "fiqh" (normative methodology) of, 66-7, 71; and freedom of religion, 63; fundamentalist views of, 55-6; and gambling, 64; and Greek philosophy, 65; and "Hadith", 62, 66-7, 70, 76, 77; "Hadith" sources, 70-1; Hanafi school of, 64, 66, 68-9, 75; Hanbali school of, 64, 70; Hanifa school of, 69, 70; "ijma" (consensus) as source of, 67; "ijtihad" (independent interpretation by learned person) as source of, 67-8; individual responsibility in, 60; and interest, 63-5, 77; "is-tih-san" (equity) in, 68-9; "istislah" (beneficial result) in, 69-9; and "jihad", 57, 61; as jurist's law, 56, 62; "khilafah" (succession) under, 63; Maliki school of, 69-70; and marriage, 63, 75; moral elements of, 65; and Napoleonic code, 65; and protection of diplomats, 60; "qiyas" (analogical deduction) as source of, 63, 67, 68-9; and the Quran, 62-3; reformist views of, 55-6; and religious freedom, 75-6; religious matrix of, 60; rigidity in, 56; and Roman law, 65, 68; schools of, 63, 64, 66, 69-70; schools of as refiners of Islamic jurisprudence, 74-5; Shia (Shiite) school of, 63, 68; sources of, 55-6, 63, 65-75; as source of international law, 71-2; subsidiary sources of, 68-9; "Sunna" as source of, 66; Sunna school of, 63, 64, 68-9, 77; and taxation ("Zakar"), 62; UK view of "talaq" divorces, 237-8; of usury, 63-5; and world order, 59-61. *See also* Islamic international law, Islamic jurisprudence.
- Islamic states: in UN 58-9
- Islamic tradition: Greco-Roman tradition and, 73
- Isle of Palmas* arbitration, 277-8
- Israel: adventurism of, 80; attack on Iraqi nuclear research center, 78, 91; and IAEA, 98; nuclear

- capability of, 78; and nuclear safeguards, 98; and use of Egyptian oil reserves in Sinai, 141; and US foreign policy, 280
- "Istihsan", 68-9. *See also* Islamic law.
- "Istislah", 68-9. *See also* Islamic law.
- Italy, 135, 136; and deep seabed mining, 116; dispute with Venezuela re contract debts (1902), 133; and International Natural Rubber Agreement, 228; as nonparty to Hague Conv. V in World War I, 142; as nuclear supplier, 79; proposal of to use outer space for peaceful purposes, 284; war with Turkey in 1909, 137
- Iwasake, Kazuo, 183
- Jaime II (James the Just), King of Aragon, 57-8
- James Buchanan & Co. Ltd. v. Babco Forwarding & Shipping (U.K.) Ltd.*, 235, 236
- Jankowitsch, Peter, 286
- Japan, 135, 136; and "administrative guidance," 127-9; Allied occupation of, 121; antitrust law of, 122-3; automobile trade with US, 126, 127, 128; Cabinet orders re foreign trade, 121; and deep seabed mining, 116, 118; FCN treaty with US and US equal employment laws, 252; "honno" (reality), 121, 123; legal framework of foreign trade, 121-3; lending to EC by, 359; as member of pre-WW I community of states, 146; and nuclear safeguards, 91; as nuclear supplier, 79; policy toward industry of, 121-3; as recipient of foreign investment, 48; "tatema" (principle), 121; textile trade with US, 128-9; Tokyo High Court, 128; trade dispute settlement, 124; trade law, 121-3; use of mediation in, 306; US WW II nuclear attack on, 82, 339, 347
- Japanese Fair Trade Commission (JFTC), 121
- Japan v. Idemitsu Kosan K.K.*, 128-9
- Japan v. Sekiyu Renmei*, 128-9
- Jay Treaty Commissions, 5
- Jerba, Island of: in *Libya-Tunisia Continental Shelf Case*, 161
- Jessup Competition: *See* Philip C. Jessup International Law Moot Court Competition.
- Jewett, David, 272
- Jews: as refugees from USSR to US, 39
- "Jihad," 57, 61. *See also* Islamic law.
- Jiménez de Aréchaga, Eduardo: concurring opinion in *Libya-Tunisia Continental Shelf Case*, 164
- Joint Statement on Communications and Movement between the Argentine Mainland and the Falkland Islands (1971-UK) 274-5
- Joyner, Christopher C.: as Open Forum moderator, 297
- Judaic concept of God: compared to Islamic, 65-6
- Judges: decisionmaking perspectives of, 260; draft principles re independence of, 331-2; international legal standards re independence of, 307-16, 326-7. *See also* Judicial independence.
- Judicial independence, 243, 311; and affirmative action, 330; defined, 330; enforcement of international legal norms, 321-4; IBA draft principles re, 329; International Commission of Jurists' draft definition of meaning of, 315-6; and international humanitarian law, 311-2; international protection of, 307-32; implementation of international legal standards, 312-4; international standards regarding, 308-9; lack of precise international standards re, 326; methods of subversion, 326; new standards for, 314-6; patterns of violation of, 316-21; role of lawyers in protecting, 323-4; Siracusa draft principles re, 329-32; suspension of right to fair trial, 310-11; UN standard setting re, 326-9. *See also* International human rights law, Judges, Lawyers.
- Junz, Helen B., 365, 366; *Rems.* on possible success of cooperative international banking regulation, 362-3
- Jurisdiction: effects doctrine, 191-2; international law definition as applied in UK, 241-3; to prescribe, 191; and reasonableness, 192-3, 194; in revised draft Restatement, 188, 189, 191-4, 204-5; "subject matter", 192, 205
- Jus gentium, 56
- Just war doctrine, 283
- Kalistratova, Sofia, 320
- Kant, Immanuel, Perpetual Peace, 58
- Kennan, George, 338
- Kennedy, Edward M., 338
- Kennedy, John F.: agreement with Nikita Khrushchev ending Cuban missile crisis, 334
- Kennedy, Richard T.: *Rems.* on US nuclear nonproliferation policy, 82-5, 98-9
- Kerkennah, Island of: sovereignty over, 153, 154. *See also* *Libya-Tunisia Continental Shelf Case*.
- Keyn, R. v.*, 241, 264
- Khalil, al-Ashraf: *See* Al-Ashraf Khalil.
- "Khilafah": *See* Islamic law.
- Khrushchev, Nikita: agreement with John F. Kennedy ending Cuban missile crisis, 334
- Kirkpatrick, Jeane J., 14
- Kissinger, Consumers Union v.*, 129
- Kissinger, Henry, 116, 118; "linkage" theory of, 337

- Kistiakowski, George, 338  
 Klitzman, Stephen, 307, 321, 325  
 Knox, Philander C., 134  
 Koeburg I: *See* South Africa.  
 Koh, Kwang L., 230  
 Koh, Tommy: President of UNCLOS III, 110  
*Komatsu v. Bucyrus Erie* Case, 122-3  
 Koran: *See* Quran.  
 Korean War, 276  
 Ku, Min-chuan, 148, 200  
 Kufa school, 69. *See also* Islamic law.
- Labor Conventions* case, 263  
 Lambesis, Paul, 348  
 Land boundary disputes, 275-6  
 Langdell case method of legal instruction, 259  
 Langerman, Paul, 227  
 Laos: refugees from to US, 39  
*Lareau v. Manson*, 248, 256, 264; and Canadian law, 257  
 Laser beam defense: against ballistic missiles, 287  
 Lasers: as possible weapons of mass destruction, 285  
 Lasswell, Harold, 339  
 Latin America: illegal immigration to US from, 41; opposition to Court of Arbitral Justice, 146; patterns of violation of judicial independence in, 316-21; proposed ICC Court of Arbitration center, 174; relations with US, 281; tradition of state economic control in, 219; USSR as threat to (1979), 334  
 Latin American Nuclear Free Zone, 33, 84-5  
 Lauterpacht, Elihu: *cited* as to legal irrelevance of "state of war," 139-40  
 Lauterpacht, Sir Herscht, 266  
 Law: and deterring nuclear war, 23-5, 27-9  
 Law of armed conflict: *See* Laws of War.  
 Law of the sea: development of, 302; in revised draft restatement, 188, 190; effect of ICJ decision in *Libya-Tunisia Continental Shelf* Case on, 155-61; and outer space law, 287; and Second Hague Peace Conf. (1907), 131, 135-8. *See also* Continental shelf, *Libya-Tunisia Continental Shelf* Case, (Third) UN Conf. on the Law of the Sea.  
 Laws of war: early Muslim, 71-2; and guerrilla warfare, 141-2; Hague Conventions on (1907), 139-4; and judicial independence, 311-2; "just war" doctrine, 141-2; and legality of nuclear war, 340; military necessity, 341; militia and volunteer corps under, 141-2; neutral powers' rights & duties, 142-3; soldiers' privileges, 129-44; state of war, 139-44. *See also* Geneva Conventions on the Laws of War, Hague Conventions, Law of maritime warfare.  
 Lawyers: and deterring nuclear war, 25, 27-9, 332-49; independence of as essential to human rights protection, 328; international legal standards re independence of, 307-16, 327-8; intimidation of, 319-20, 326  
 Lawyers Alliance for Nuclear Arms Control, 27  
 Lawyers Committee for International Human Rights, 314  
 Lawyers Committee on Nuclear Policy, 25, 332, 338  
 League of Nations Covenant: and Commissions of Inquiry, 132; US failure to ratify as partial cause of WW II, 337  
 League of Nations Mandate on Southwest Africa, 249  
 Lebanon: and US foreign policy, 280  
 Lee, Paul L.: *Rems.* on cooperative efforts in international banking, 353-8, 363, 365  
 Legislative intent: presumption of consistency of with common and international law, 246; of US Congress, 192, 196-7, 204-5  
 Leigh, Monroe, 11, 12-13, 267, 279, 304, 307; *Rems.* as outgoing ASIL President, 104; *Rems.* re Hudson Medal presentation, 300-1  
 Leon, Kingdom of, 57-8  
 Lesotho National Airlines, 249  
 Libya: arguments in *Libya-Tunisia Continental Shelf* Case, 152-3, 153-4; nuclear capability of, 78-9; as party to NPT, 78-9  
*Libya-Tunisia Continental Shelf* Case (*Case Concerning the Continental Shelf*), 150-65; deficiencies of parties' presentations, 159-60; concurring opinions, 161, 164; dissenting opinions, 158, 160-1, 162, 163-4; legal reasoning of the ICJ in, 155-7; third parties in, 160. *See also* Continental shelf delimitation, International Court of Justice.  
*Libyan Arab Jamahiriya, Tunisia V. (Case Concerning the Continental Shelf): See* *Libya-Tunisia Continental Shelf* Case.  
 Lichtenstein, Cynthia C.: *Rems.* on internationalization of financial markets, 352-3

- Lieber Group on the Laws of War: Meeting on 75th Anniversary of the Second Hague Peace Conf. (1907), 130-49
- Lillich, Richard B., 13; *Rems.* on Iran-US Claims Tribunal, 5-9
- Limited Test Ban Treaty, 28
- "Linkage," 337, 348-9
- Litvack, Sanford M., 124, 129; *Rems.* on antitrust implications of trade law, 120-1
- Living resources: in UN LOS Conv. (1982), 112
- London Club: *See* Nuclear Suppliers Group.
- London Declaration (1909): *See* Declaration of London.
- London, England, Court of Arbitration: rules, 179
- London, England: as center of international banking, 352; as site for international commercial arbitration, 166, 178-82
- London Maritime Association: arbitration rules, 179
- London Mineral Exchange, 228-9
- London Naval Conference (1909), 134, 136-8
- London Naval Treaty (1930), 147
- Lopez Portillo y Pacheco, José: friendship with Ronald Reagan, 209; and Tokyo Protocol of 1978, 209
- Los Angeles, California: undocumented workers in, 42
- Louis XII, King of France, 58
- Louis XV, King of France: and settlement of Falkland Islands, 271
- The Louvre, 58
- Lowenfeld, Andreas F., 188, 189, 196-7, 201, 202, 204; Hague Academy lectures (1979) *cited*, 196, 204; *Rems.* on treatment of jurisdiction in revised draft Restatement, 191-4, 204-5
- Loy, Frank E., 13, 22; *Rems.* on US immigration policy, 44-5
- Luxembourg: and International Natural Rubber Agreement, 228; FRG banking activities in, 361-2
- Lord Lyndhurst, 303
- MacCrate, Robert, 202
- MacDonald, Charles G.: *Summary* of Open Forum paper on recognition of nonstate entities, 299
- MacGuigan, Mark: Quoted on UNCLOS III, 114
- Madison, Marbury v.*, 262
- Madrid Conference, 302
- Magna Charta, 131
- The Magrib: Maliki school of Islam in, 70. *See also* Islamic law.
- Maine, Sir Henry, 302
- Malaysia: claim to Brunei of, 269
- Malik ibn-Anas, 69, 70. *See also* Islamic law.
- Maliki school, 69. *See also* Islamic law.
- Mallison, W.T.: *Rems.* on Hague Conv. No. 1 (1907) and Declaration of London (1909), 147, 148; *Rems.* on lack of US interest in international law principles, 279-80
- Malone, James: quoted on achieving US nonproliferation goals, 88
- Malone v. Metropolitan Police Commissioners*, 238-9, 250-1, 264
- Malta: request to intervene in Libya-Tunisia Continental Shelf Case denied, 156
- Malthus, Thomas R., 39
- Malvinas: *See* Falkland Islands.
- Mameluke Empire, 57-8; and European powers, 58.
- Manchuria: as cause of Russo-Japanese War (1904), 130-1
- Manchurian Incident, 132
- Mangard, Niels, 4
- Manson, Lareau v.*, 248, 256, 264; and Canadian law, 257
- Manufacturers Hanover, 355
- Maqudela (South African lawyer), 320
- Marbury v. Madison*, 262
- Maribel boat lift, 20
- Marine Bank v. Weaver*, 364
- Marine environment: protection of in UN LOS Conv. (1982), 115
- Marine scientific research: in UN LOS Conv. (1982), 112, 115
- Maritime boundary delimitation: productive of international litigation, 150; technical aspects of, 157-9
- Maritime disputes: UNCLOS III as means for settling, 114
- Maritime International Nominees Estab. v. Republic of Guinea*, 177
- Maritime law, 200; and jurisdiction under international law, 193
- Maritime warfare: customary international law and, 137-8; and Second Hague Peace Conf. (1907), 135-8; pre-WW I reality of, 147, 148. *See also* maritime warfare, law of.
- Maritime warfare, law of, 137-8; bombardment by naval forces, 143-4; and neutrality, 143; and



- Second Hague Peace Conf. (1907), 135-8; WW I violations of, 138. *See also* Laws of war.
- Marks, Lee R., 2, 12, 13; *Rems.* on Iran-US Claims Tribunal, 9-11
- Marsh, Burchell v.*, 176
- Martial law: and judicial independence, 316-8
- Martin, David A., 22; *Rems.* on refugee problems, 13-19
- Mass migration, 13-14: Austrian and German responses to, 21; need for humanitarian response to, 18; as political problem for receiving country, 19; as result of war and civil strife, 15-16
- Masters: in international law, 12-13; in Iran-US Claims Tribunal, 12
- Mayotte Island: Comoros/France dispute re, 268
- Mazzoli, Romano L., 38, 43, 44
- McCann v. The Queen*, 256
- McCarran-Walter Act of 1952, 19
- McCarthy's Ltd. v. Smith*, 233
- McDougal, Myres S., 339; presentation of Hudson Medal to Hardy Cross Dillard by, 300
- McDougal, Myres S., and Harold Lasswell, *Legal Education and Public Policy* (1943), 339-40
- McNamar, R.T., *The Future Role of the World Bank: cited*, 221
- McNamara, Robert, 343
- Meagher, Robert F., 228
- Mediation: in international law, 72, 306. *See also* International law.
- Meeting of Experts on the Independence of the Judiciary (1981), 329-32; definition of judicial independence, 330; principles enunciated, 330-2
- Megarry, Sir Robert, 238, 250-1
- Mejelle (Islamic scholar), 66. *See also* Islamic law.
- Mendez, Juan Ernesto, 321, 325; *Rems.* on patterns of violation of judicial independence, 316-21
- Mergé Claim, 8
- Metropolitan Police Commissioner, Malone v.*, 238-9, 250-1, 264
- Mexican-American Hispanic community: impact of immigration policy on, 41-3
- Mexican-American Legal Defense and Education Fund: 41, 42
- Mexico: external debt of, 216-7; foreign investment law of, 207-8, 231; and GATT, 208, 209-210; illegal immigrants in, 37; immigration to US from, 41, 42, 47; impact of US immigration policy on, 41; lack of border control of, 37; and Latin American regime to prevent nuclear explosives spread, 84; nuclear development in, 80; and technology transfer, 208, 231; and Tokyo Protocol of 1978, 209; trade with US of, 209-10
- Michele Amoroso e Figli v. Fisheries Devel. Corp.*, 177
- Michener, James, 37-8
- Middle East: interpretation of Islamic law in, 62-3; land boundary disputes in, 276; possible nuclear weapons use in, 341; USSR expansionism in, 346.
- Middle East Nuclear Weapons Free Zone, 85, 90.
- Middle Eastern countries: and proposed ICC Court of Arbitration center, 174
- Migrants: characterizations of, 14; illegal, as problem to US, 36-47; whether or not refugees, 13-14. *See also* Illegal immigrants, Immigration, Mass migration.
- Mikus, Joseph A.: *Rems.* on UN and nuclear weapons control, 346-7
- Militarization of space: opposition to, 289-91; US view, 289-91
- Military courts: and judicial independence, 316-8, 326
- Minister of Justice, Nduli v.*, 249
- Minister of Police, Nkonda v.*, 249
- Ministry of International Trade and Industry (MITI) (Japan), 121, 122, 126, 127-9
- Miquelon Island: Canada/France dispute re, 268
- "Mirror image" principle, 7, 9
- MIRVs: *See* Multiple Independently Targetable Reentry Vehicles.
- "Mobilization of shame": as tool for enforcement of judicial independence norms, 321-2, 324; US as possible subject of, 322, 324-5
- Monaldeschi (Swedish agent): execution of in France by Queen Christina of Sweden, 303
- Monarch Airlines Ltd., Fothergill v.*, 235-6, 237, 239, 243
- Moon: demilitarization of, 288, 289
- Moore, John Norton, 279; *Rems.* on international law issues in Argentina/UK dispute re Falkland Islands, 275-8, 283
- Morgan Constr. Co., George v.*, 256
- Morgan Guaranty Trust, 355
- Morgenthau, Hans, 338
- Morris, Gouverneur, 323
- Moroccan case*, 277-8
- Moussali, P. Michael: *Rems.* on the Office of the UN High Commissioner for Refugees, 21-2
- Moya case* (Argentina): and judicial review of administrative action, 319
- Moynihan, Daniel Patrick: *Quoted*, 283-4, 339
- Muadh ibn-Jabal, 67. *See also* Islamic law.

- Muhammad (the Prophet), 63, 70-1.; and religious freedom, 76-7; and usury, 63. *See also* Islamic law.
- Multilateral development banks: compared to private banks, 221-2; criticized by Reagan administration, 217, 223-7; "graduation" policies of, 223-5; need for "General Accounting Office," 225; pragmatic approach of, 219-20; as promoters of domestic private sector, 218-20; as promoters of private investment, 217-8, 220-3; Third World expertise of, 221-2; voting structures in, 230
- Multilateral investment insurance agency (WB proposal), 222-3
- Multinational banks: characteristics of, 360; and internationalization of financial markets, 352-3
- Multinational corporations: and capital flows, 47-8; codes of conduct for, 207, 223; international regulation of, 48-9; OECD 1976 declaration on, 53; post-WW II increase in, 352; research and development by foreign affiliates of, 50
- Multiple Independently Targetable Reentry Vehicles, 29, 333, 335-6
- Municipal courts: and patterns of violations of independence of, 318-19; "special" courts for certain crime categories, 318
- Municipal law: and international law, 71-2, 73-4, 231-67.
- Murray, *Ellerman Lines Ltd. v.*, 233, 235
- Muslim (compiler of "hadith"), 70-1. *See also* Islamic law.
- Muslim theology: and international law, 71. *See also* Islamic law.
- Muslims: and marriage, 75. *See also* Islamic law.
- Mussolini, Benito: conquest of Abyssinia and the development of international law, 302
- Musud, by Ahmed Ibn-Hanbal, 62. *See also* Islamic law.
- Mutharika, Peter, 228
- Muwatta, 69-70. *See also* Islamic law.
- MX missile system: capability of, 335-6; destabilizing nuclear deterrence impact of, 333, 342; "racetrack" proposal, 29, 333
- Mxenge, Mlungisi Griffiths, 3
- N-V Settlement Bank: as holder of initial fund under US-Iran Claims Settlement Agreement, 3; liability for initial fund of, 4
- Nadkarni, Girish, 364
- Nagasaki, US nuclear bombing of (1945), 82, 339; legality of, 347
- Namibia: potential South African claim to Windhoek, 269
- Namibia case, 240
- Nanda, Ved P., 283
- Napoleonic Wars: as part of heritage of pre-WW I community of states, 146
- Al-Nasai, 70-1. *See also* Islamic law.
- Nashville I-40 Steering Committee v. Ellington, 201
- National liberation organizations: status of in UN LOS Treaty (1982), 108
- National tribunals: application of customary international law by, 231-67; in administrative review, 249-50; judges' decisionmaking perspectives, 260
- National Uranium Resource Evaluation Program (US), 81
- Nation state: restraints on power of, 23-5
- Natural prolongation: and continental shelf delimitation, 151, 152, 153-4, 157-8, 160, 165; "northward thrust line" in *Libya-Tunisia Continental Shelf Case*, 153
- Naval Prize Bill (UK, 1911), 137
- Naval warfare: *See* Maritime warfare.
- Navigation: as issue at UNCLOS III, 111-12, 114
- Nduli v. Minister of Justice, 249
- Nelson, Steven C., 12
- "Neo-Malthusian" population theory: and immigration policy, 39, 43
- The Netherlands, 136; Chief Justice of Supreme Court of as appointing authority for Iran-US Claims Tribunal, 4; contribution to Common Fund for Commodities, 213; and discovery of Falkland Islands, 270; Dutch Central Bank as holder of initial fund under US-Iran Claims Settlement Agreement, 3; as nuclear supplier, 79; and ratification of UN LOS Treaty (1982), 118-9; trade with US in WW I, 143
- The Netherlands, Federal Republic of Germany v. (North Sea Continental Shelf Cases)*, 150-1, 163
- Neutral states: and International Prize Court, 135-6; rights and duties of, 139, 142-3; in WW I, 138
- New international economic order, 109, 119, 206-7, 230, 305-7; and ICOs, 210-11, 229; UNCTAD Programme of Action for, 210
- Newman, Frank: *Quoted*, 309-10; *Rems.* on enforcement of judicial independence, 321-2
- New York Banking Law, 358
- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards: *See* UN Conv. on the Recognition and Enforcement of Foreign Arbitral Awards.
- New York State Banking Department, 355-6; and failure of New York branch of Banco de Intercambio Regional, 357-8
- New York State banking law and regulation, 355-6, 363, 365-6
- New York, N.Y.: as center for international banking, 352-3, 366; colonial trial of Peter Zenger, 323

- New Zealand: and ratification of UN LOS Treaty (1982), 118-9; and sovereign immunity, 235
- Ngeuka (South African lawyer), 320
- Nicaragua: human rights in, 318, 319, 320; and Inter-American Human Rights Commission, 313; Miskito Indian cases (1981), 320; refugees from in US, 17; trials of Guardia Nacional members and "Somocistas" in, 318, 319; use of Special Tribunals in, 318
- Nicholas II, Tsar of Russia: and Hague Peace Confs., 130-1
- Niger: as uranium supplier, 79
- Nigeria: cement purchases and development of international law, 302; and export of cultural objects, 258
- Nixon, Richard M., 33
- Nizam Khan v. Additional District Judge* (High Court of Pakistan), 69
- Nkonda v. Minister of Police*, 249
- Nobel Prize for literature, 168
- Noerr Motor Freight, Inc., Eastern Railroad Presidents Conference v.*, 125-6
- Noerr-Pennington doctrine, 125-6
- Nongovernmental organizations: and international standards re judicial independence, 308, 313-4, 321, 323-4, 325, 326, 329-32
- Nonproliferation: *See Nuclear nonproliferation.*
- Nonrefoulement*: obligation of in UN Conv. Relating to the Status of Refugees, 18; US obligation of to refugees, 19
- Nonstate entities: recognition of, 299
- Nontariff trade barriers: and GATT, 208-9
- Nordic countries: contributions to Common Fund for Commodities, 213
- North Africa: Maliki school of Islam in, 70
- North African refugees: as problem in France, 45
- North America: countries of as parties before ICC Court of Arbitration, 173; as member of pre-WW I community of states, 146
- North Atlantic Treaty Organization: decision to deploy TNWs in Europe (1979), 334-5; loans to Turkey, 363; and nuclear weapons negotiations, 343
- North Borneo: *See East Malaysia.*
- North Korea: invasion of South Korea, 276
- North Sea Continental Shelf Cases (Federal Republic of Germany v. The Netherlands)*, 150-1, 92
- North/South relations: and decisionmaking under UN LOS Conv. (1982), 117; dialogue, 206-10, 231; economic, 47-8; and global resource allocation at UNCLOS III, 109-10, 111;
- Norway: and ratification of UN LOS Treaty (1982), 118-9
- Norway, France v. (Norwegian Loans Case)*, 133
- Norwegian Arrested Ships case* (Sweden), 266
- Norwegian Loans Case (France v. Norway)*, 133
- (Second) NPT Review Conference (1980), 87
- Nuclear arms: *See Nuclear weapons.*
- Nuclear deterrence system: effectiveness of, 338-41
- Nuclear disarmament, 86-7
- Nuclear energy: as challenge to legal institutions, 82; international nuclear safeguards, 90-8; need for international cooperation to develop peaceful uses, 87-8; need for Third World participation in international management of, 88-90
- Nuclear explosions: detection and monitoring of from satellites, 292; peaceful, 89
- Nuclear explosives: Latin American regime to prevent spread of, 84; regional efforts to prevent spread of, 84
- Nuclear forces, theater, 336
- Nuclear freeze, 31; Hatfield resolution, 30; movement, 77
- Nuclear free zones: *See Latin American Nuclear Free Zone, Middle East Nuclear Weapon Free Zone, Nuclear weapon free zones.*
- Nuclear nonproliferation: adequacy of agreements re, 91-2; law and policy, 77-99; opposition to, 346-7; proposals of John Glenn, 81-2; Third World views, 34-5, 35-6, 85-90; US policy, 78-81, 82-5
- Nuclear Non-Proliferation Act (US): *See US Nuclear Non-Proliferation Act.*
- Nuclear Non-Proliferation Treaty: *See Treaty on Non-Proliferation of Nuclear Weapons*
- Nuclear proliferation: vertical, 86
- Nuclear Reactor Extended Burn-Up Program: *See US Nuclear Reactor Extended Burn-Up Program.*
- Nuclear reactors: breeder, 80-1; in orbit, 296
- Nuclear safeguards, 80, 90-8; adequacy of agreements for, 91-2; confidentiality of IAEA operations, 97; effectiveness, 91; exemption of nuclear weapons states from, 85, 86; IAEA system (INFCIRC/66/Rev. 2), 80, 83-4, 85, 92, 93, 94-5; and non-NPT countries, 92, 93, 94-5; and the NPT, 91, 93, 94-5; and Nuclear Suppliers Group, 79; and onsite inspections, 92-3, 99; as prerequisite of international cooperation on peaceful uses of nuclear energy, 88; proposed improvements in IAEA system, 81; sanctions, 96-7; timely warning on nuclear material diversion, 95-6; undeclared materials and facilities, 94-5. *See also, International Atomic Energy Agency*

- Nuclear suppliers: proliferation prevention, 79, 81
- Nuclear Suppliers Group: guidelines to prevent nuclear diversion, 79, 83, 87, 92; meetings of, 79
- Nuclear test-ban treaties: need for comprehensive, 89, 340
- Nuclear Test-Ban Treaty (1963), 86, 284
- Nuclear war: chances of, 341-5; effects of, 338; conflict resolution and prevention of, 341-5; incompatibility with international law of, 340; recommendations for US foreign policy re, 342-5; role of lawyers in preventing, 332-49; and strategic deterrence, 23-36
- Nuclear Weapon Free Zones, 33, 84-5, 340; compared to NPT, 89-90; in outer space, 286.
- Nuclear weapons: balance of power of in outer space, 286-7; and conventional weapons, 26, 30, 32; international physicians' movement opposing, 348; legality of, 24-5, 26, 33-4, 187, 340-1, 345-6; no deliberate use of, 343-4; no first use of, 25, 31, 32-3, 34, 35, 342-3; nonproliferation of, 34-5, 35-6, 77-99; obstacles to negotiations on, 34; in Outer Space treaty, 288; in Partial Test Ban Treaty, 287-8; and psychological denial, 339; role of international law and organizations' principles in controlling, 337-8; spread of states' capabilities to produce, 78-9; US use of in WW II, 347; as weapons of mass destruction, 285, 295-6. *See also* Nuclear war.
- Nuclear weapons control, 338; myths re, 339
- Nuclear weapons, theater: NATO decision to deploy in Europe (1979), 334-5; proposed SALT III negotiations re, 333. *See also* Nuclear weapons.
- Nuremberg Charter: and legality of nuclear war, 340
- Nuremberg standards: US atomic attack on Japan as violation of, 339
- Nuremberg War Crimes Tribunal: and US views on use of force in international law, 23-4
- Ocean boundary delimitation, 150-2. *See also*, *Libya-Tunisia Continental Shelf Case*.
- Oda, Shigeru: cited, 306; dissent in *Libya-Tunisia Continental Shelf Case*, 161, 162, 163-4; Jessup Competition Final Round judge, 349
- O'Donnell, Daniel: quoted, 312, 314; paper on UN standard setting and Siracusa draft principles re judicial independence, 326-32
- Old Testament: as part of heritage of pre-WW I community of states, 146
- Oliver, Covey T., 187, 188, 198, 199, 201-2, 205, 300, 301; *Rems.* on revised draft Restatement, 184-6; *Rems.* as incoming ASIL President, 104-5
- Olmstead, Cecil J., 12, 107, 116, 119, 165, 205, 307; *Rems.* on business perspective on UNCLOS III, 110-13; *Rems.* on revised draft Restatement, 201
- Oppenheimer, Franz, 365-6
- Oppenheimer v. Cattermole*, 239, 244, 258, 267
- Oregon Constitution: Bill of Rights of, 248
- Organisation for Economic Cooperation and Development: Capital Movements and Invisible Transactions Committee, 54; Committee on Investment and Multilateral Enterprises, 54; Declaration on International Investment and Multinational Enterprises (1976), 52; Development Assistance Committee, 225; and international banking regulation, 366
- Organization of African Unity: definition of "refugee", 16, 18, 21
- Organization of African Unity Convention governing the Specific Aspects of Refugee Problems in Africa: definition of "refugee" in, 16, 18
- Organization of American States: General Assembly of, 278. *See also* Inter-American Human Rights Commission.
- Organization of American States Charter: and Argentina/UK Falkland Islands dispute, 276; human rights in, 246, 324; and use of force, 276
- Organization of Petroleum Exporting Countries, 211; enmities within, 231; members' contributions to Common Fund for Commodities, 213; as model for commodity cartels, 230; oil embargo (1973) of, 210; perceived disunity of, 215
- Osirak nuclear research reactor, 81
- Ottoman Empire, 57, 58; and European powers, 58
- Ottawa Summit Conference (1981), 81
- Outer space: international agreements re, 284-5; international law of, 290-1; nuclear balance of power in, 286-7; nuclear-weapons-free zone in, 286; UN activities concerning, 287-9; undesirability of arms race in, 290; and US and USSR military capabilities, 292; and world peace, 286-7
- Outer space, arms control in, 284-97; and COPUOS, 289-91; aspects of, 295; military aspects of, 291-4; need for agreements to identify what is permissible as opposed to prohibited, 295; obstacles to, 292-4; prospects for, 291; relative importance of, 294-5; semantic difficulties, 286; Socialist approach, 288-9; and US national security, 293-4; USSR proposals re, 294; Western approach, 288-9
- Outer Space Treaty: *See* Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.
- Outsider Regulation Provisions: *See* Export-Import Transactions Law.
- Overseas resettlement programs: and definition of "refugee," 17
- Owen, Roberts B., 9
- Oxford Manual of 1913: cited, 144

- Pacta sunt servanda, 59, 72, 82. *See also* International law.
- Pakistan: circumvention of nuclear safeguards by, 79; High Court of, 69; Hanifi school of Islam in, 70; judicial independence in, 317, 319; Martial Law Administrator of, 317; nuclear weapons capability of, 78; Provisional Constitutional Order (1981) immunizing military courts from judicial review, 317, 319
- Pakistani-French nuclear supply agreement, 79
- Pakistani refugees: as problem in UK, 45
- Palestine Liberation Organization (PLO), 108, 344
- Palestinians: harmed by US indifference to international law principles, 280-1
- Palmas Island Case*: and perfection of title in international law, 268-9
- Palmerston, Lord, 7
- Panagoulous (charged with attempted assassination of Greek Prime Minister), 322
- Panama Canal Zone: IJC resolution re, 279, 283
- Paquete Habana* case, 200, 263, 265
- Paraguay: and Inter-American Human Rights Commission, 313
- Parakopi Compania Maritima, S.A., Sumitomo Corp. v.*, 177
- Pardo, Arvid: "common heritage of mankind" speech, 115-7
- Paris, France: as site of ICC Court of Arbitration, 174
- Partial Test Ban Treaty (1963), 287
- Pascal, Blaise, 338
- St. Paul, 67
- Paust, Jordan, 263-4, 265
- Peace Conference (1919): as "Third Hague Peace Conf.", 131
- Peaceful settlement of international disputes: and Second Hague Peace Conf. (1907), 131-4
- Pena-Irala, Filartiga v., 233, 247-8, 253, 256; and Canadian law, 257
- Pennington, US v.*, 125-6
- Peoples Republic of China: *See* China, Peoples Republic of.
- Pepys Islands: discovery of, 270
- Perez de Smith* case (Argentina), 319
- Permanent Court of Arbitration: and Hague Peace Confs., 131-4; Secretary General as designator of appointing authority for judges of Iran-US Claims Settlement Tribunal, 4; selection of judges, 133-4
- Permanent Court of International Justice, 133-4
- Persian Gulf States: and continental shelf delimitation, 150
- Persons: in revised draft Restatement, 188
- Peru: antitrust law of, 207; enmity with Ecuador
- Petroleum Cartel* cases (*Japan v. Sekiyu Renmei, Japan v. Idemitsu Kosan K.K.*), 128-9
- Philip C. Jessup International Law Moot Court Competition (1982), 349-51, 368-71; final round judges, 349; summary of semifinal and final rounds, 350-51; winners, 350
- The Philippine Admiral* case, 240, 243
- Philippines: illegal immigrants to US from, 41; ratification of Moon Agreement by, 288
- Pianka, R. v.*, 241, 264
- Picker, Jane M.: *Rems.* on relation of illegal immigration and US Social Security system, 46-7
- Pickhall (translator of the Quran), 75
- Pinochet, Augusto: overthrow of Salvador Allende, 303
- Pioneer Investment Protection (PIP): *See* (Third) UN Conf. on the Law of the Sea, UN (Draft) Conv. on the Law of the Sea.
- Pluralism: importance of in US society, 37-8
- Plutonium: and safeguards, 95; sales of and nonproliferation, 81. *See also* International Atomic Energy Agency, Nuclear safeguards.
- Poland: foreign debt of, 221, 352, 353, 365
- Poland, USSR control of: as example of aggression, 26; and "linkage" to arms control agreements, 32, 337, 348-9
- Political question doctrine, 257-8, 261-2. *See also* Executive certification.
- Polymetallic nodules: deep seabed mining of, 115-6, 119
- Poole, Cecil, 322
- Portugal, 57-8; dispute with India re Goa, 269
- Posner, Michael H., 22: *Rems.* on refugee and asylum law in US, 19-21
- Potter, Pitman: quoted on challenges of nuclear energy, 82
- Preparatory Committee: *See* (Third) UN Conf. on the Law of the Sea, UN (Draft) Conv. on the Law of the Sea.
- Prevention of Nuclear War Agreement (1974), 284
- Pringle, Robin: *Quoted*, 226
- Private international law: Islamic view of, 75
- Project of 1907 for a Judicial Arbitration Court, 133-4
- Proportionality: and continental shelf delimitation, 151, 154, 155, 159, 165
- Protection of diplomats: Islamic views, 60



Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925); and legality of nuclear war, 340  
Public emergencies: and derogation of international human rights law, 311-3  
Von Purgstall, Joseph Jammer, 74.

"Qiyas": Fourth source of Islamic law, 63, 67, 68-9. *See also* Islamic law.

*Quazi v. Quazi*, 237-8, 242

*The Queen, McCann v.*, 256

Quran, 69; as basis of Islamic jurisprudence, 74-5; as compilation of "hadith", 70-1; concepts relevant to international law, 59, 72-4; and contracts, 62-5; and Islamic concept of God, 65-6; and Islamic law, 62-3; and religious freedom, 76-7; and status of women, 76. *See also* Islamic law.

*R. v. Keyn*, 241, 264

*R. v. Panka*, 241, 264

*R. v. Secretary of State for Home Affairs, ex parte Bhajan Singh*, 249-50

*R. v. Secretary of State for the Home Department, ex parte Thakrar*, 242

Race discrimination: as violation of international human rights law, 247, 249

*Al-Radd Ala Siyar al-Awai*, 71

Radioactive fallout: international legal responsibility for extraterritorial, 298

Rapid Deployment Force, 24

"Reaganomics," 206; international, 215-27

Reagan, Ronald: friendship with José Lopez Portillo y Pacheco, 209

Reagan, Ronald, Administration: agreement with Japan re automobile imports, 126; attempt to mediate Argentina/UK dispute re Falkland Islands, 278; attitude toward arms control, 30, 32-3, 333, 335-8; Caribbean Basin initiative, 43; economic policy of, 206; foreign policy, 25-9, 32; immigration bill criticized, 45; immigration bill proposed by, 43-4, 47; import quota opposition, 126; international economic policy and the international financial institutions, 215-27; and the IMF, 225-6; law of the sea policy of, 108-9, 119-20; and "linkage", 32, 337; military budget of, 338; and NNPA, 80; and "no first use" of nuclear weapons pledge, 34; nuclear deterrence policy criticized, 335-8, 342-5; and nuclear nonproliferation, 34-5, 80-1, 98-9; refugee policy of, 20-21; report on US participation in the MDBs in the 1980s, 216-7, 223-4; and SALT, 333, 335-8; and START, 333; support for private investment in Third World, 220-3; support for Third World "graduation" to private capital markets, 223-5; "zero option", 33, 336

Rebagliati, Orlando R., 283; *Rems. re Argentina/UK Falkland Islands dispute*, 280-1

Rebus sic stantibus, 72. *See also* International law.

Recognition: in revised draft Restatement, 187, 189

*The Red Crusader case (United Kingdom v. Denmark)*, 132

Reformation: as part of heritage of pre-WW I community of states, 146

Refugee Act of 1980, 19

Refugees: "bootstrap," 15-16, 22; definitions of, 13-19; dissatisfaction with UN definition of, 15; distinguished from applicants for asylum, 13; human rights abuses and, 14; law and policy of mass migration of, 13-22; local integration of, 18; McCarran Walter Act (1952) definition of, 19; need for administrative procedures for handling, 19; OAU definition, 16, 18, 21; as objects of sympathy, 14, 18; obligation of *nonrefoulement* of, 18, 19; and overseas resettlement programs, 17; problem of ultimate resettlement of, 18; proposed US definition criticized, 15-16; third-country resettlement of, 18; UN definition, 14-15, 19; US law and policy on, 19-21; US practice regarding, 17; US resettlement programs, 17; voluntary repatriation of, 18. *See also* Asylum, Human Rights, Illegal immigrants, Immigration, Migrants.

Regional development banks, 217

Regional organizations: human rights instruments of and protection of independence of judicial process, 308, 313; and NGO activity re protection of independence of judicial process, 314. *See also* International organizations.

Reinel, Pedro: early map of Falkland Islands of, 270

Religious freedom: in Islamic law, 75-7

Remedies: in revised draft restatement, 188

Renaissance: as part of heritage of pre-WW I international community of states, 146

*Republic of Guinea, Maritime International Nominees Establishment v.*, 177

Restatement of Contracts, 186

Restatement of Foreign Relations Law of the US (1965), 185-6, 202-3; and compensation for expropriations, 197-8; economic rights of aliens in, 191; jurisdiction in, 191-2; methodology of, 193-4; Sec. 18, 191-2; Sec. 40, 192, 194, 196

(Draft) Restatement of Foreign Relations Law of the US (Revised), 184-205; and ABA Section of International Law and Practice review, 194-8; cited by foreign domestic courts, 201-2; and compensation for expropriation, 191, 197-8, 203-4; content of, 187; and customary international law, 184-6, 190, 195-6, 203-4; economic rights of aliens in, 190-2; effect on Iranian claims cases, 203; effect on US law, 199-200; and Federal Securities code, 197; foreign government compulsion defense, 189-90; human rights in, 187-8, 190; jurisdiction in, 188, 189; jurisprudence of interna-

- tional law in, 188; and law in international agreements, 185; law of the sea in, 190; methodology of, 193-4; Part IV of, 192-4, 196, 205; procedures followed, 199-200, 202-3; recognition in, 187; remedies in, 188, 203; Sec. 40, 201, 205; Sec. 135, 199; Sec. 403, 192, 194, 196; Secs. 431-3, 194; Secs. 712, 713, 197-8, 200-1, 202; state succession, 189; subjects covered, 187-91; Tentative Draft No. 1, 188-9; Tentative Draft No. 2, 188, 194; Tentative Draft No. 3, 188, 189-90, 194, 199; Tentative Draft No. 4, 190; Tentative Draft No. 5, 190; US constitutional law in, 191 and US DoS, 187; US Foreign Sovereign Immunities Act in, 189
- Revised Single Negotiating Text (RSNT): See (Third) UN Conf. on the Law of the Sea, UN (Draft) Conv. on the Law of the Sea (1982).
- Reynolds, Paul D., 227-9; *Rems.* on recent developments in world commodity trade regulation, 210-215
- Rhee, Sang-myong, 153, 154; *Rems.* on maritime boundary delimitation and *Libya-Tunisia Continental Shelf Case*, 150-3.
- Richardson, Elliot L., 107, 113
- Rickover, Hyman, 338
- Riesenfeld, Stefan A., 13
- Rio Tinto Zinc Corporation v. Westinghouse Electric Corporation*, 240, 242
- Rio Treaty (1947): See Inter-American Treaty of Reciprocal Assistance.
- Risala*, 70
- Rogers, Consumers Union v.*, 129
- Rogers, U.S. District Court Judge, 248
- Roman law: and Islamic law, 65, 68, 69; and *jus gentium*, 56
- Rome: as part of heritage of pre-WW I community of states, 146
- Roosevelt, Theodore: and convening of Second Hague Peace Conf., 1907, 130-1
- Root, Elihu: *Quoted on the Hague Peace Conf.*, 134
- Rosberg, Gerald R., 13; *Rems.* on Iran-US Claims Tribunal, 1
- Rosenne, Shabtai, 132
- Rosenthal, Douglas, 195
- Lord Roskill, 233
- Rostow, Eugene V., 23, 336; *Rems.* on legality of nuclear weapons, 33-4; *Rems.* on "no first use" pledge, 34, 35; *Rems.* on nuclear arms agreements, 31, 34; *Rems.* on nuclear proliferation, 35-6; *Rems.* on strategic deterrence and nuclear war, 25-6
- Rousseau, Jean-Jacques, *A Lasting Peace*, 58
- Rovine, Arthur, 9, 11, 12; *Rems.* on Iran-US Claims Tribunal, 1-5
- Rubin, Alfred P., 148-9, 267; *Rems.* on legality of nuclear weapons, 345-6; *Rems.* on the Second Hague Peace Conf. (1907) and the laws of war, 139-44
- Rubin, Seymour J., 280; *Rems.* on IJC resolution on Argentine sovereignty over Falkland Islands, 278-9, 283; Report of the ASIL Executive Director, 100-1
- Ruiz Puente, Don Felipe: 271
- Russia: and the law of maritime warfare, 135, 136, 138
- Russian Revolution: and development of international law, 302
- Russo-Japanese War (1904): and Hague Peace Confs., 130-1, 132, 149
- Sabbatino amendment, 262, 267
- Sabbatino case*, 189, 191
- Safeguards, nuclear. See Nuclear safeguards.
- Sahih Albukhara, 62
- De Saint-Pierre, Abbe, Project for Perpetual Peace, 58
- St. Pierre Island: Canada/France dispute re, 268
- Sakharov, Andrei, 320
- SALT I & II: See Interim Agreement Between the United States and the U.S.S.R. on Certain Measures with Respect to the Limitation of Strategic Offensive Arms (SALT I), Strategic Arms Limitation Talks, (Draft) Treaty Between the United States and the U.S.S.R. on the Limitation of Strategic Offensive Arms (SALT II).
- St. Helena: occupation of by UK (1815), 272; potential Angolan claim to, 268; self-determination for, 268
- Salvensen, Christian, 274
- Sanders, Benjamin, 296-7; *Rems.* on UN outer space activities, 287-9
- Sandler, Michael D., 127, 129; *Rems.* on relation between US antitrust and trade laws, 124-7
- San Pedro Island: See South Georgias.
- de Santa Cruz, Yslario: early map of Falkland Islands of, 270
- Santa Fe case*, 357
- Satellite systems: and arms control agreements, 293; communications, 292; dependency of US and USSR military forces on, 292-3; early warning, 292-3; and monitoring of nuclear activity, 292; navigation, 290, 292-3; as threat to military forces, 292, weather, 292-3;

- Saudi Arabia: contributions to Common Fund for Commodities, 213; Hanbali school of Islam in, 70; Muslim law in, 62; taxation in, 62
- Saunders Isle: *See* Falkland Islands.
- Savings and loan associations: and international banking, 366
- "Al-Sayar" (early Muslim laws of war), 71. *See also* Islamic law.
- Lord Scarman, 233, 235-6, 238
- Schacht, Joseph, 59
- Schleider, Willy, 127, 129, 130; *Rems.* on interface of European antitrust and trade law, 123-4
- Schreuer, C.: *cited*, 256, 258
- Schucking, Walther: *Quoted* on Permanent Court of International Arbitration, 131
- Schultz, Theodore, 222
- Schultze, Charles, 219
- Schwebel, Stephen M.: concurrence in *Libya-Tunisia Continental Shelf Case*, 161
- Scott, James Brown, 74
- SEC v. Banca della Svizzera Italiana*, 357
- Secretary of State for Home Affairs, ex parte Bhajan Singh, R. v.*, 249-50
- Secretary of State for the Home Department, ex parte Thakrar, R. v.*, 242, 244
- Security: and arms control in outer space, 284-5
- Sekiyu Renmei, Japan v.*, 128-9
- Self-defense: Argentine invocation of re attack on Falkland Islands, 274-5, 280-1
- Self-determination: and historic right to territory, 268-9; as issue in Argentina/UK dispute re Falkland Islands, 268-9, 273-4, 275, 277-8, 281-2, 283; right of non-self-governing peoples to, 268-70
- Seoul, South Korea: and ICC Court of Arbitration center, 174
- Separation of powers, 251-2, 262-3
- Shackleton Mission, 280
- Shafii, Imam, 70
- Shaker, Mohamed A.: *Rems.* on Third World views on nuclear nonproliferation, 85-90
- Shariah: *See* Islamic law.
- Al-Shaybani: as the "Grotius" of Islamic international law, 74; as international law theorist, 71-2
- Sherman Antitrust Act: *See* US antitrust law
- Shestack, Jerome J.: *Rems.* on role of lawyers in enforcement of judicial independence norms, 323-4, 325
- Shia school of Islamic law: *See* Islamic law.
- Shiites: and marriage, 75. *See also* Islamic law.
- Shimoda v. The State*, 24, 347
- Simerman case (Argentina)*, 319
- Lord Simonds, 233-4
- Simpson, Alan K., 38-9, 40, 43, 45-6; *Rems.* on undocumented workers in the US, 36-8
- Simpson-Mazzoli Bill: *See* US Senate Bill 2222.
- Sinai: Israel use of Egyptian oil reserves in, 141
- Singapore: as center for international banking, 352
- Singer, US v.*, 125
- Singh, Bhajan case: See R. v. Secretary of State for Home Affairs, ex parte Bhajan Singh.*
- Singhvi, L.M., 315-6, 323, 326, 329
- Siracusa Draft Principles on the Independence of the Judiciary, 326, 329-32
- Al-Siyar al Kabir*, 71
- Slavery: as violation of customary international law, 190
- Slocombe, Walter B., 23, 339; *Rems.* on legal perspective on nuclear war, 26-9; *Rems.* on nuclear arms agreements, 31-2, 33, 34
- Small, David, 286, 295, 296, 297; *Rems.* on militarization of space, 289-91
- Smith, McCarthy's Ltd. v.*, 233
- Smith, Wilfred Cantwell: on apostasy, 76-7; on Islamic concept of God, 65-6
- Smith, William French, 126, 322
- Socialist approach to arms control in outer space, 288-9
- Socialist countries: as parties before ICC Court of Arbitration, 173
- Society of Maritime Arbitrators: procedural rules, 177
- Sohn, Louis, 204
- Solar energy: military implications of satellites, 295-6; as possible weapon of mass destruction, 285
- Somalia: dispute with Ethiopia re Djibouti, 268; in *I Congreso del Partido case*, 303-4; refugee problems of, 45
- Somoza, Anastasio, 318
- South Africa: application of customary international law by national tribunals of, 232, 246, 249; claim to Windhoek, Namibia, of, 269; intimidation of lawyers in, 320; judicial independence in, 319, 324; judicial review of administrative actions in, 249-50; and IAEA, 98; and international human rights law, 246, 249; Koeberg I nuclear reactor, 80; nuclear development by, 80; nuclear

- weapons capability, 78; possibility of nuclear weapon use in, 341; rule of law in, 324; and sovereign immunity, 235, 266; as strategic metals' producer, 227; Terrorism Act 83 (1967), 249, 320; as uranium supplier, 79; and US cooperation in nuclear program, 88
- South America: immigration to US from, 39; as member of WW I community of states, 146
- Southeast Asia: Shafii school of Islam in, 70
- South Georgias Islands, 280; San Pedro, 274-5
- South Korea, 220; as future nuclear supplier, 79; North Korean invasion of, 276; nuclear capability of, 79
- South Korean-French nuclear supply agreement, 79
- South Orkney Islands: as focus of dispute between Argentina, Chile, and the UK, 275-6
- South Sandwich Islands, 274
- South Shetland Islands: as focus of dispute between Argentina, Chile, and the UK, 275-6
- South Vietnam: and "status of forces" agreement with US, 140
- Southwest Africa: League of Nations Mandate for, 249
- Southwest Africa Case*: and human rights in international law, 305
- South Yemen: Muslim law in, 62
- Sovereign immunity, 245: in Canadian law, 267; in English common law, 234-5, 243, 266; *I Congreso del Partido* case discussed, 303-4; international law of, 187; restrictive theory of, 245; in South Africa, 266; UK view, 304; in US law, 189, 263, 304. *See also* Tate letter.
- Sovereignty, 306; and Islamic concept of state, 59-60, 71-3; as issue in Argentina/UK dispute re Falkland Islands, 275, 277-8; as obstacle to international financial regulation, 354, 365. *See also* International law, Islamic law.
- Soviet Pipeline, 9
- Soviet Union: *See* Union of Soviet Socialist Republics.
- Space: *See* Outer space.
- Space debris: as weapon of mass destruction, 286
- Spain: and colonization of Falkland Islands, 270-2; dispute with Morocco re Canary Islands, 268; dispute with UK re Gibraltar, 268; as future nuclear supplier, 79; King of as party to English legal proceeding, 303; "reconquista" in, 57
- Spanish-American War: and First Hague Peace Conf. (1898), 130; US imperialism, 144-5
- Spanish Civil War: and development of international law, 302
- Spiegel, Andrew: *Rems.* on international protection of judicial independence, 324-5
- Sprinkel, Beryl: *Quoted*, 226
- State responsibility for injuries to aliens, 8, 188; bilateral treaties and, 254
- State succession: in revised draft Restatement, 189
- Stein, Steven J., 183
- Stein, Ted L., 165; *Rems.* on ICJ judgment in *Libya-Tunisia Continental Shelf Case*, 161-5
- Sterling v. Cupp*, 248
- Stevenson, John R., 35, 113
- Stockholm Chamber of Commerce, 166-7; Arbitration Institute, 167-8, 169, 170; Board of the Arbitration Institute, 166-7; functions of, 168; *An Introduction to International Arbitration in Sweden* (1982), 167, 168; President of, 169; rules of Arbitration Institute, 169, 171, 172. *See also*, Sweden, international commercial arbitration in.
- Stoiber, Carlton L.: *Rems.* on nuclear nonproliferation, 77
- Straits: and transit passage, 119. *See also* Law of the Sea, (Third) UN Conf. on the Law of the Sea, UN (Draft) Conv. of the Law of the Sea.
- Strasbourg Convention system, 266; Court of, 266
- Strategic Arms Limitation Talks: bilateral nature of opposed, 346-7; need for new agreement, 87; negotiating history and deterrence of nuclear war, 332-8
- SALT I, 28, 32, 336: Standing Consultative Committee, 30
- SALT II, 28, 30, 31, 32-3, 337; criticized as ineffective arms control measure, 335-6; value of, 336-7
- SALT III (proposed) on theater nuclear weapons, 333, 337; need for, 336-7. *See also* Interim Agreement Between the United States and the U.S.S.R. on Certain Measures with Respect to the Limitation of Strategic Offensive Arms (1972), (Draft) Treaty Between the United States and the U.S.S.R. on the Limitation of Strategic Offensive Arms (1979).
- Strategic Arms Reduction Talks, 30, 333, 337
- Strategic deterrence: and nuclear war, 23-36
- Subsidies: and GATT, 208-9
- Sultan, Allen, 325
- Sumitomo Corp. v. Parakopi Compania Maritima, S.A., 177
- Sundberg, Jacob: *Rems.* on ethnocentricity of customary international law, 265-6
- Sunna school of Islamic law: *See* Islamic law.
- Superpowers: and nuclear proliferation, 34, 35, 296; and relations with rest of world, 296-7
- Sutton, David St. John: *Rems.* on London, England, as forum for international commercial arbitration, 178-82, 183, 184
- Suy, Erik: Jessup Competition Final Round judge, 349
- Svea Court of Appeal (Sweden), 168

- Swaziland, 249
- Sweden: Membership on Iran-US Claims Tribunal, 1, 266; and *Norwegian Arrested Ships* case, 266; as nuclear supplier, 79; relations with Nazi Germany, 266
- Sweden, international commercial arbitration in, 166-72, 182; appointment of arbitrators, 170-1; Arbitration Acts, 167, 168, 169, 170, 171, 172; Arbitration Institute of the Stockholm Chamber of Commerce, 167-8; awards, 172; Board of the Arbitration Institute, 167-8; challengeable awards, 169-70; and commercial law, 183; costs of, 172; evidence, 169, 171, 184; Foreign Arbitration Act, 167; prearbitration attachment, 183; procedures, 168-72; recourse to law courts, 168-9, 182; representation, 172; tribunal procedures, 171-2; void awards, 169-70; Yearbook of the Arbitration Institute, 167
- Swedish Academy, 168
- Swiss Banking Commission, 354
- Switzerland: bank secrecy laws in, 356, 357, 362; and extraterritorial activities of Swiss banks, 362; as nuclear supplier, 79; and ratification of UN LOS Conv. (1982), 118-9
- Switzerland, Group of 10 and: and cooperative arrangements in international banking regulation, 361-2. *See also* Cooke Committee.
- Symington Amendment, 80
- Syria, 57-8; dissolution of Damascus and Syrian Bar Associations by (1980), 320
- Taft, William Howard, 140
- Taiwan: as future nuclear supplier, 79; in IAEA, 98; nuclear capability of, 79
- Tanaka, Kotaro: *cited*, 306; judgment in *Southwest Africa Case*, 305
- Tanzania, 220
- Tarazi, , 60-1
- Tariffs: and GATT, 208-9
- Tate letter, 240, 243, 304
- Taxation: under Islamic law, 62
- Technology transfer: and GATT, 208; high, 208; as issue at UNCLOS III, 111-13, 117-8; Mexican law on, 231; as problem for Third World countries, 207-8
- Territorial sea, 190; as issue at UNCLOS III, 114-5, 119, 120; right of innocent passage through as problem for common law lawyers, 264. *See also* Law of the Sea, (Third) UN Conf. on the Law of the Sea, UN (Draft) Conv. on the Law of the Sea.
- Texas: Mexican undocumented workers in, 42; rights of undocumented workers in, 42
- Thai-Europe Tapioca Service v. Government of Pakistan*, 242-3, 244
- Thailand: and International Natural Rubber Agreement, 228
- Thakrar case*: *See R. v. Secretary of State for the Home Department, ex parte Thakrar*
- Thenaud, Jean, 58
- Third UN Conference on the Law of the Sea: *See* (Third) United Nations Conf. on the Law of the Sea.
- Third World: balance of payment deficits, 215; enmities within, 231; external debt of, 215-7, 353; and GATT, 208-10; and "graduation" to private capital markets, 223-5; harmonization of approaches, 207; and ICC Court of Arbitration, 174; and IFIs, 215-27; and IMF, 225-6; in international political system, 189; investment needs of, 219-20; and MDBs, 221-2; and NPT, 80, 86, 87; and private banks, 221-2; SDR account deficits, 225-6; superpower relations with, 296-7; and technology transfer, 207, 208; trade and finance prospects for in the 1980s, 206-31; views on nuclear proliferation, 34-5, 35-6, 85-90; views on sharing technology for deep seabed mining, 108, WB technical assistance to, 221-2; and world order, 305-6. *See also* Group of 77.
- Thoolen, Hans: *Quoted*, 308
- Tidelands cases, 233
- Timberlane Lumber Co. v. Bank of America*, 123
- Timerman case* (Argentina), 319
- Tinoco Case* (*Great Britain v. Costa Rica*), 140
- Al-Tirmidhi, 70-1. *See also* Islamic law.
- Tlatelolco Treaty: *See* Treaty for the Prohibition of Nuclear Weapons in Latin America.
- Tokyo Protocol (1978), 209
- Tokyo War Crimes Tribunal, 140
- Tompkins, Erie R.R. v.*, 185
- Tort law: compared to international law, 259
- Torture: as violation of international human rights law, 190, 247-8
- Trade: as issue in North/South relations, 206-10
- Trade disputes: and antitrust, 126-7
- Trade law: antitrust implications, 120-30; and EEC, 123-4; Japanese legal framework, 121-3
- Transit passage: *See* Straits, (Third) UN Law of the Sea Conf., UN (Draft) Conv. on the Law of the Sea.
- Transnational corporations: *See* Multinational corporations.
- Treaties: bilateral on customary international law subjects, 253-4; importance of consent, 72; Islamic law and, 72, 73-4; in revised draft restatement, 188-9, 199; termination of, 189; unincor-



- porated as confirmation of common law, 250-1; unincorporated as evidence of customary international law, 264; and US law, 199, 260. *See also* International agreements, International law.
- Treaty between England and Ottoman Empire (1580), 58
- Treaty between France and Ottoman Empire (1535), 58
- (Draft) Treaty Between the United States and the U.S.S.R. on the Limitation of Strategic Offensive Arms (1979) (SALT II), 86-7; USSR ratification of, 347
- Treaty for the Prohibition of Nuclear Weapons in Latin America (and Protocols) (Tlatelolco Treaty), 33, 84-5, 86, 92; compared to nuclear weapon free zones, 89-90; Second Additional Protocol to, 348
- Treaty interpretation: DoS views on and US courts, 251-5; 260
- Treaty of amity and military alliance between Egypt and Syria and Aragon, Castile, Leon, and Portugal (1292), 57-8
- Treaty of Friendship, Trade and Navigation (Argentina/UK—1825), 272
- Treaty of Madrid (1670), 270-1
- Treaty of Madrid (1713), 271
- Treaty of Paris, 123
- Treaty of Paris (1856), 58
- Treaty of Utrecht (1713), 271
- Treaty of Versailles (1918): US Senate failure to ratify as partial cause of WW II, 337
- Treaty of Washington (1871): settlement of Alabama Claims, 137
- Treaty on Mutual Assistance in Commercial Matters, US-Switzerland (1973), 357
- Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), 33, 284, 287, 288; Art. 4, 288; Art. 12, 288; meaning of "peaceful" in, 285; and orbiting of weapons of mass destruction, 286; prohibition against weapons of mass destruction, 289
- Treaty on the Limitation of Anti-Ballistic Missile Systems (1972), 284
- Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 34-5, 35-6, 78-9, 80, 81, 84-5, 86-7, 88, 296; Egyptian accession to, 84; safeguards agreements under, 91-2, 93, 94-5, US obligations under, 83-5; US policy on, 84-5. *See also* International Atomic Energy Agency, Nuclear safeguards.
- Treatymaking process: re UNCLOS III, 111-13
- Trendtex Trading Corporation v. Central Bank of Nigeria*, 234-5, 242-3, 264
- Trident II weapons system (US), 337
- Trigger Price Mechanism, 126. *See also*, Trade law, US trade, US trade law.
- Tristan de Cunha: occupation by UK (1816), 272
- Troberg, Peter, 354; *Rems.* on EC view of cooperative efforts in international banking regulation, 358-60, 361, 364, 366
- Trooboff, Peter, 11, 12; *Rems.* on revised draft Restatement, 202.
- Truman Declaration on the Continental Shelf (1945), 150
- Truman, Harry S.: atomic attack on Japan as violation of Nuremberg principles, 339
- Tuchman, Barbara, *The Guns of August*, 346
- Tunisia: arguments in *Libya-Tunisia Continental Case*, 152-3, 153-4, 164
- Tunisia v. Libyan Arab Jamahiriya (Case Concerning the Continental Shelf): See Libya-Tunisia Continental Shelf Case.*
- Turkey: Commercial code of, 62; Hanifi school of Islam in, 70; NATO loans to, 363; war with Italy (1911), 137-8. *See also* Ottoman empire.
- Turkish refugees: as problem in the FRG, 45
- Tuwaita Research Centre: *See* Iraqi nuclear research center.
- Tyagi, Yogesh: *Rems.* on nuclear nonproliferation, 35
- Uganda: expulsion of Asians, 242; refugees from in US, 17
- UNCLOS III: *See* (Third) UN Conf. on the Law of the Sea.
- Union of Soviet Socialist Republics: and Afghanistan, 26, 32, 337, 348-9; antinuclearism of, 348; antisatellite arms control negotiations with US (1978, 1979), 292; and arms control agreements, 32-3, 284; arms control proposals of, 294; and ASAT deployment, 285, 293, 297; Chamber of Commerce and Industry of, 166-7; and "Cold War" with US, 147; conflict with US at UNCLOS III, 117-8; in Cuban missile crisis, 334; and deep seabed mining, 116, 118; and deployment in space of weapons of mass destruction, 296; and election of IAEA Director General, 98; expansionism of, 346-7; and geostationary orbit claims of equatorial countries, 287; ICBM systems of, 333-4; land boundary dispute with China, 275; and militarization of space, 289-91; military dependency of on satellite systems, 292-3; MX as perceived threat to, 333-4, 342; and NNP requirement to negotiate nuclear weapons reduction, 81; as nuclear supplier, 79; nuclear weapons capability, 78; as obstacle to peace, 25-6; persecution of lawyers in, 320, 348; and Poland, 26, 32, 337, 348-9; and proposal not to place weapons-carrying objects in orbit, 284, 285, 288-9, 290-1; ratification of SALT II agreement by, 347; reaction to US negotiating stance, 342-5; refugees to US from, 39; and relations with US, 27-9; and SALT negotiations, 333; space activities of, 285; space challenge to US of, 291-2; space program of, 293; and strategic deterrence, 27-9, 333;

- strategic reliance on ICBMs by, 332-3; as threat to Latin America and Caribbean, 334; as totalitarian system, 27-9; troops of in Cuba (1979), 334; UN diplomats of in dispute re Diego Garcia, 283-4
- Union of Soviet Socialist Republics views: on Cuban status quo (1979), 334; on definition of weapons of mass destruction, 295-6; on legality of nuclear weapons, 25, 348; on US space shuttle, 286; on Unispace '82 Conf., 289-90
- Unispace '82: See UN Unispace '82 Conf.
- United Kingdom: Antarctic claims of, 277; application of customary international law by national tribunals of, 232-44, 264; Arbitration Acts of, 179-80, 181, 184; and Argentine workers on San Pedro Island, 274-5; Chartered Institute of Arbitrators, 178, 181; and claims to South Orkney and South Shetlands Islands, 275-6; and colonization of Falkland Islands, 270-3; and deep seabed mining, 116, 118; and Declaration of London (1909), 137-8; and discovery of Falkland Islands, 270-1; dispute with Spain re Gibraltar, 268; dispute with Venezuela re contract debts (1902), 133; and European Conv. on Human Rights, 265-6; executive certification [of international law] rule, 240-1; failure to ratify Hague International Prize Court Conv. 134; FTN Treaty (1825) with Argentina, 272; High Court of, 178, 179, 180; immigration problems of, 45; and international treaty interpretation rules, 236-8; and International Prize Court, 135, 136, 137-8; legislative response to US extraterritoriality, 54; London Court of Arbitration, 181; maritime exclusion zone of, 277; as nonparty to Hague Conv. V in World War I, 142; as nuclear supplier, 79; nuclear weapons capability, 78; as party to Hague Conv. IV, 144; and Permanent Arbitration Tribunal (1907), 133-4; and pretrial discovery, 10; reservation to Ch. III of Hague Conv. V (1907), 143; rules of road in, 344; and sovereign immunity, 234-6, 303-4; and Strasbourg Conv. system, 266; suggestion that Falkland dispute be submitted to ICJ, 269-70; and "talaq" divorces, 237-8; and treaty travaux préparatoire, 237; and Ugandan Asians, 242; view on just compensation for expropriation, 204; view on treaty incorporation, 255-6
- United Kingdom/Argentina dispute re Falkland Islands, 267-84
- United Kingdom/Argentina Foreign Ministers Meetings (1966-1982), 274
- United Kingdom Bank of England: informality of banking regulations of, 354; and international financial problems resulting from Argentine invasion of Falkland Islands, 357-8
- United Kingdom Carriage by Air Act (1961), 236-7
- United Kingdom Crown: as landowner in Falkland Islands, 273
- United Kingdom Court of Appeal, 233, 234-5, 242
- United Kingdom courts: and European Community law, 232-3, 265-6; and foreign language decisions, 266-7; and international human rights law, 246, 247, 250-1; and international law, 232-44, 247, 250-1; and international prize law, 264; and political question doctrine, 257-8; and sovereign immunity, 266
- United Kingdom Customs and Excise Act (1952), 241
- United Kingdom House of Commons: and Naval Prize Bill (1911), 137
- United Kingdom House of Lords, 233; and Declaration of London (1909), 137, 146; and International Prize Court, 137, 146; and Naval Prize Bill (1911), 137;
- United Kingdom House of Lords legal decisions, 233-4, 235-6, 237, 242, 243, 244, 258; and act of state doctrine, 258
- United Kingdom Parliament: and arbitration, 180-1; members of on Board of Directors of Falkland Islands Company Ltd., 273
- United Kingdom Privy Council, 232, 233, 240, 241, 264
- United Kingdom Recognition of Divorces and Legal Separations Act (1971), 237-8
- United Kingdom statutes: incorporating international law by reference, 233
- United Kingdom Taxation Commissioners, 233-4
- United Kingdom Treasury: and international financial problems resulting from Argentine invasion of Falkland Islands, 357-8
- United Kingdom v. Albania (Corfu Channel Case)*, 3
- United Kingdom v. Denmark (the Red Crusader)*, 132
- United Kingdom v. Iceland (Fisheries Jurisdiction Case)*, 161
- United Nations, 116, 149; and Argentina/UK dispute re Falkland Islands, 267-70, 273-4; and dispute re Diego Garcia, 283-4; and ICJs, 229; as forum for conflict resolution, 342; and failure to contain USSR expansionism, 346; and international investment questions, 54; and international protection of independence of judicial process, 308-9, 312-6; Islamic states in, 58; membership of, 343-4; and nuclear nonproliferation, 346-7; outer space activities of, 287-9; Sixth Special Session of, 210; and treatment of aliens, 302; USSR arms control proposals in, 294
- United Nations Agreement Establishing a Common Fund for Commodities, 211; Art. 7, 212; Art. 41, 213-4
- United Nations Charter: and aggression, 26, 27; and Argentine attack on Falkland Islands, 282-3; Art. 2(4), 26, 31, 32, 275, 276; Art. 23, 268; Art. 24, 268; Art. 39, 268; Art. 40, 268; Art. 51, 268, 275, 276; Art. 73, 268; Art. 74, 268; Art. 103, 267-8; and Argentina/UK Falkland Islands dispute, 267-70, 275-7; and human rights, 246-7, 256; and self-determination, 268-70; and title acquisition by prescription, 282; use of force under, 26, 31, 32, 190, 273-4, 275-7; and US human rights cases, 256

- United Nations Commission on Human Rights: Ad Hoc Working Group on Chile, 313; and judicial independence, 312-3, 329
- United Nations Commission on International Trade Law (UNCITRAL) arbitration rules: in Iran-US Claims Tribunal, 1, 2, 4, 6, 12, 13; and international arbitration, 168, 174, 179; and international arbitration in US, 177; and US/USSR Optional Clause Agreement, 168
- United Nations Committee on Disarmament: and arms control in outer space, 288-9; as proper forum for discussion of arms control in outer space, 290-1, 297
- United Nations Committee on the Peaceful Uses of Outer Space, 286, 287; and arms control in outer space, 289-91, 295, 297; Preparatory Committee, 289-90, 297
- United Nations committees: and efforts to resolve direct broadcast satellite and remote sensing problems, 292
- United Nations Conference on Conventional Weapons (1980), 144
- United Nations Conference on the Law of the Sea (1958), 150
- (Third) United Nations Conference on the Law of the Sea (UNCLOS III), 107-20; accommodation of US concerns, 117-8; accomplishments of, 113-7; and archaeological and historical objects, 298; concessions and tradeoffs at, 114-5; and continental shelf delimitation, 152; and deep seabed mining issues, 108, 114, 115; Drafting Committee, 113, 118; eleventh session, 107, 108; and exclusive economic zone (EEZ), 115, 119, 159; and exclusive fisheries zone, 119, 164; issues involved in, 114-7; and judgment in *Libya-Tunisia Continental Shelf Case*, 161-5; and national liberation movements, 108; ninth session, 107-8; Pioneer Investment Protection (PIP), 108, 110, 114, 117; Preparatory Committee (PrepCom) terms, 108; Review Conf. 117, 118; Rule 37, 120. *See also* UN (Draft) Conv. on the Law of the Sea.
- United Nations Conference on Trade and Development (UNCTAD), 109; and Common Fund for Commodities, 214; Declaration of Principles for an Action Programme, 210; Group of 77 in, 210, 211; Integrated Programme for Commodities, 211, 214-5; and international banana agreement, 214-5; and international commodities agreements in metals, 227; *Monthly Bulletin*, 211; Programme of Action of the NIEO, 210-1; secretariat of, 211-2; working groups on commodities, 211
- United Nations Convention on the Continental Shelf (1958), 111, 151, 163
- United Nations Convention on Fishing and Conservation of Living Resources of the High Seas (1958), 111
- United Nations Convention on Prohibition or Restriction on the Use of Certain Conventional Weapons (1980), 144
- United Nations Convention on the High Seas (1958), 111
- United Nations (Draft) Convention on the Law of the Sea (1982), 164; and "common heritage of mankind", 116-7, 119; and customary international law, 190, 196; and deep seabed mining, 112-3, 190, 196; and developing countries, 119; eleventh session, 107-10; the Enterprise, 119; and environment, 115; and hydrocarbon development, 112; importance of dispute settlement provisions, 113; individual rights in seabed disputes, 305; Informal Composite Negotiating Text (ICNT), 152; Informal Single Negotiating Text (ISNT), 152, 162; International Sea-Bed Authority, 108; issues outstanding after ninth session, 107-8; and living resources, 112; and marine scientific research, 112, 115; navigation, 111-12; "new, accepted trends" in, 161-5; and "NIEO," 109, 119; as package deal, 117; ratification process, 118-9; in revised draft Restatement, 190; Revised Single Negotiating Text (RSNT), 152; tenth session, 108; "transit passage" through international straits, 115, 119. *See also* (Third) UN Conf. on the Law of the Sea.
- United Nations Convention on the Law of the Sea (1958), 151
- United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), 167, 176, 181
- United Nations Convention on the Territorial Sea and Contiguous Zone (1958), 111
- United Nations Convention relating to the Status of Refugees (1951), 14, 16: definition of "refugee," 14, 15, 16, 18, 19, 21-2; obligation of *nonrefoulement*, 18, 19
- United Nations Declaration on Protection from Torture, 256
- United Nations Economic and Social Council (ECOSOC): Resolution 1503 and implementation of legal standards re judicial independence, 312-3, 315-6, 322, 323; Sub-Commission on Prevention of Discrimination and Protection of Minorities, 315, 316, 328-9, 330
- United Nations Educational Social and Cultural Organization (UNESCO): draft conv. and resolutions on export of cultural objects, 258
- United Nations Food and Agriculture Organization: working groups on commodities, 211
- United Nations General Assembly, 75, 116, 290-1; and arms control in outer space, 297; and definition of "weapon," 296; and Middle East Nuclear Weapons Free Zone, 85, 90; and noncompliance with IAEA Statute, 96-7; international development strategy, 215; Second UN Development Decade proclamation, 215; Third Committee, 329
- United Nations General Assembly resolutions: No. 1235, 322; No. 1503, 322, 323; No. 1514 (1960), 268, 273, 277, 279; No. 1654 (1962), 273; No. 2065 (1965), 273-4, 277; No. 3160 (1973), 274, 277; on ASAT weapons, 285; as evidence of customary international law, 187, 201, 203-4; on arms control in outer space, 284; on NIEO, 230; on outer space, 288-9; on refugees, 21-2
- United Nations High Commissioner for Refugees, 17, 21-2

- United Nations Human Rights Committee: and legal standards re judicial independence, 313
- United Nations International Convention for the Elimination of All Forms of Racial Discrimination (1966): Art. 6, 309
- United Nations International Covenant on Civil and Political Rights: application by national tribunals, 246-7, 250; Art. 2(3), 309; Art. 14, 313; Art. 14(1), 308; Art. 14(3), 309; Art. 15, 310; Art. 40, 323; Canadian ratification of, 257; Chile as signatory, 322; and judicial independence, 308-10, 326-7; Optional Protocol, 313; state party domestic law obligations under, 309; and US human rights cases, 256; violation of by Uruguay, 313
- United Nations Minimum Standard Rules for the Treatment of Prisoners: and Canadian law, 256; and US human rights cases, 256; and US statutory interpretation, 248
- United Nations Protocol relating to the Status of Refugees (1967): US obligations under definition of "refugee," 15
- United Nations resolutions re legality of nuclear war, 340
- United Nations Secretariat: report to ECOSOC subcommission re judicial independence (1979), 328; and Unispace '82 report, 290
- United Nations Secretary General, 90; duty to notify of suspension of certain civil rights, 322
- United Nations Security Council: inadequacy of security guarantees, 87; and Middle East Nuclear Weapons Free Zone, 90; and noncompliance with IAEA Statute, 96-7; Resolution 255, 86; Resolution 502 (1982) re Argentina/UK Falkland Islands dispute, 268, 276, 283
- United Nations specialized agencies: and national liberation movements in, 108
- United Nations Special Session on Disarmament (1978): and arms control in outer space, 288; and militarization of space, 296
- United Nations (Second) Special Session on Disarmament: and militarization of space, 296-7
- United Nations standard setting re judicial independence, 326-9
- United Nations Unispace '82 Conference, 289-90, 296, 297; report, 290
- United Nations Universal Declaration of Human Rights, 250-1, 256, 303; application by national tribunals, 250-1; Art. 10, 308; Art. 11, 309; and freedom of religion, 75; and judicial independence 308-9, 327; and US human rights cases, 256; relevance of to human rights protection, 299; and US statutory interpretation, 248
- United States: agreement with Egypt re peaceful uses of nuclear energy (1981), 88; and *Alabama Claims* arbitration, 142-3; antinuclearism of, 348; antisatellite negotiations with USSR, 292; application of customary international law by national tribunals, 232, 258-61, 264; and arms control in outer space, 291; and ASAT deployment, 285; attack on Falkland Islands by (1831), 272; attitudes re behavior of foreign subsidiaries of US companies, 50; beliefs re Canadian attitude to foreign capital, 49; "Cold War" with USSR, 147; as commodity importer and exporter, 229-30; conventional war capabilities of, 32; and cooperation in South African nuclear program, 88; and Cuban missile crisis, 334; and customary international law, 195-6; and deep seabed mining, 116, 118; denial of nuclear fuel enrichment services to Western Europe, 79; and economic sanctions, 9; effect of foreign policy on Canadian trade, 51; and exercise of eminent domain, 201; as exporter of capital, 48; extraterritorial legislation of, 51, 52-4; Far Eastern possessions of, 145; farm policy compared to ICA Common Fund arrangements, 229; foreign investment in, 50; foreign policy of, 25-6, 188; and geostationary orbit claims of equatorial countries, 287; GNP of, 219; and human rights convs. 188-9; and humanitarian international law, 142; human rights cases, 256, 257; and human rights law, 247-8, 251; and IAEA confidentiality, 97; and illegal immigrants, 36-47; independence of judiciary in, 322; and individual rights in international law, 305; investment relationships with Canada, 47-55; and international law, 279; and International Natural Rubber Agreement, 228; and International Prize Court, 135, 136, 137-8; investment in Canada, 49, 50-1, 54; in Iranian hostage case, 303; isolationism of, 145-6; judicial independence in, 322, 324-5; lack of border control of, 37; Latin American hegemony of, 145; loans by as threat to EC credit information exchange system, 359; as mediator in Argentina/UK Falkland Islands dispute, 278, 279-80, 282-3; Middle East policy criticized, 280; migratory bird treaty with Canada, 200; and militarization of space, 289-91; military dependency of on satellite systems, 292-3; negotiating stance with USSR criticized, 342-5; nonproliferation policy, 82-5; nonproliferation policy criticized, 80-2, 87; and NPT requirement to negotiate nuclear weapons reduction, 81; nuclear policy of, 80; as nuclear systems supplier, 79; nuclear weapons capability, 78; obligations under NPT, 84; as party to UN LOS Conv. (1958), 190; and permanent arbitration tribunal (1907), 133-4; and pluralism, 37-8; pressure to block nuclear supply agreements, 79; pretrial discovery in, 10; and proposal re arms control in outer space, 288-9, 290-1; and proposed ICC Court of Arbitration Center, 174; and ratification of UN LOS Conv. (1982), 118-9; and relations with Latin America, 281; and relations with USSR, 27-9; and reservation to Hague Conv. I, (1907), Art. 54, 132; and SALT negotiations, 333-8; and Soviet Pipeline, 9; space activities of, 285; space debris created by, 286; and "special relationship" with Canada, 48; and START negotiations, 333; and "status of forces" agreement with South Vietnam, 140; and strategic deterrence, 27-9, 333-8; as subject of "mobilization of shame," 322, 324-5; and Third World, 231; and treaty *travaux préparatoires*, 237; and USSR space challenge, 291-2; and USSR troops in Cuba (1979), 334; Webb-Pomerene associations, 123, 124
- United States administrative agencies, 192; relationship with US courts, 262

- United States Agency for International Development: Bureau for Private Enterprise, 218
- United States Air Force: and nuclear weapons negotiations, 343, 344
- United States Alien Tort Claims Act: in *Filartiga v. Pena-Irala*, 248
- United States allies: and nuclear weapons negotiations, 344
- United States antitrust law: relation to US trade law, 124-7; Sherman Antitrust Act, 192; *Timberlane* case, 123; and trade disputes, 120
- United States Arms Control and Disarmament Agency, 81
- United States Army: and nuclear weapons negotiations, 343, 344
- United States Attorney General: and customary international law, 263-4
- United States bank regulation, 364; complexity of, 355, 360-1; contrasted with more informal systems, 354; as inhibitor of international competition by US banks, 352-3
- United States banks: French subsidiaries of, 356-7; freedom to establish branches in foreign countries, 358; international activity of, 361; as respondents in Iran-US Claims Tribunal, 3; state regulation of, 355-6; Swiss subsidiaries of, 356. *See also* US bank regulation.
- United States, Brown v.*, 265
- United States Bureau of Oceans and International Environmental Scientific Affairs, 81
- United States Civil War: and development of international law, 302
- United States Coast Guard: boarding of vessels carrying Haitians in Caribbean, 20
- United States Commodity Futures Trading Commission, 205
- United States companies: attempts of Canadians to purchase, 50; and Iran-US Claims Tribunal, 5
- United States Comptroller of the Currency, 355, 356, 357
- United States Congress: bipartisan tradition in, 44; bills to prevent Canadian purchase of US companies, 50; and control of number of refugees admitted to US, 19; and customary international law, 200; and Export Trading Company Acts, 126-7; intent of as examined by US courts, 192, 196-7, 204-5; and international agreements, 196; and international law, 204; and NNPA, 79, 99; proposed refugee definition, 15; and Reagan administration procedures for asylum seekers, 21; and relation of antitrust to trade law, 129; relationship with courts, 261-2; and trade dispute settlement, 124
- United States Constitution: Bill of Rights, 192, 265; constraints on conduct of foreign relations, 259; and customary international law, 189, 196, 248, 260; Eighth Amendment to, 248; federal regulation vs. states' rights under, 192; First Amendment to, 16; and human rights law, 265; and International Prize Court, 136; proposal to limit US federal courts Art. III jurisdiction, 319, 322; Supremacy Clause and international agreements, 185; and torture, 190; and treaty law, 260
- United States constitutional law: and allocation of decisionmaking competence, 261-2; and reasonableness, 204; in revised draft Restatement, 191
- United States Court of Appeals (10th District), 248
- United States courts: and customary international law, 199, 250-5; discovery in, 10; and international human rights law, 246, 247-8, 251; and jurisdiction, 192, 196-7; and political question doctrine, 257-8, 261-2; and relation with executive and Congress re international law, 261-2; and revised draft Restatement, 201
- United States Department of Commerce, 49, 81; and trade, 127
- United States Department of Defense: and arms control in outer space, 291; and international commodities agreements in strategic metals, 227; and negotiating stance with USSR, 346
- United States Department of Energy: and military application of solar power satellites, 295-6
- United States Department of Justice: and Haitian refugees, 20-21; immigration policy, 43-4; and trade, 125-6, 127, 128-9
- United States Department of the Navy: Law of Naval Warfare, Art. 613, *quoted*, 346
- United States Department of State, 7, 10; and bank secrecy laws, 357; and deep seabed mining, 109; and international commodities agreements in strategic metals, 227; and involvement of US courts in application of customary international law, 251-5; and revised draft restatement, 187; and Ethiopian migrants, 14, 17; and "extended voluntary departure" for refugees, 17-18; Legal Adviser's Office, 9-10; and migrants from El Salvador, Iran, Nicaragua, and Uganda, 17; and negotiating stance with USSR, 346; and nuclear weapons negotiations, 344; and procedures for handling asylum-seekers, 21; and refugee policy, 19; and sovereign immunity, 304
- United States District Courts: and incorporation of international law, 256; and Iran hostage incident, 254-5
- United States equal employment laws: and US/Japan FCN Treaty, 252
- United States Equal Employment Opportunities Commission, 205
- United States-Euratom Nuclear Agreement, 79
- United States executive: and nuclear weapons negotiations, 343, 344. *See also* US President.
- United States executive branch, 192; and improvements to NNPA, 99; and international agreements, 196; and international law, 204; and involvement of US courts in application of customary international law, 251-2, 261-2. *See also* US President.
- United States Export policy: and antitrust, 126-7
- United States Export Trading Company Act (proposed), 124
- United States Federal Arbitration Act, 176
- United States Federal Bureau of Investigation: Amnesty International Report on (1981), 325



- United States federal courts: proposal to limit Art. III jurisdiction of, 319
- United States Federal Deposit Insurance Corporation, 355, 363
- United States Federal Home Loan Board, 366
- United States Federal Maritime Commission, 205
- United States Federal Reserve Board, 354, 355-6, 364
- United States Federal Savings and Loan Corporation, 366
- United States Federal Securities Code, 197
- United States federal system: and bank regulation complexity, 355-6
- United States Federal Trade Commission: and international trade, 126-6, 129
- United States Foreign Corrupt Practices Act, 204
- United States Foreign Relations Law, restatements: *See* Restatement of Foreign Relations Law of the US.
- United States Foreign Sovereign Immunities Act, 304; and interpretation of international law, 267; and revised draft Restatement, 187, 189; Section 1604, 263
- United States-German Claims Commission, 6
- United States House of Representatives: and Export Trading Company Act (proposed), 127
- United States Immigration and Naturalization Service: and "bootstrapping," 16; and Ethiopian migrants, 17; low morale of, 21
- United States imperialism: pre-WW I, 144-5
- United States, international commercial arbitration in, 175-8; attitudes of courts, 176-7; availability of AAA, 177-8; and commercial law, 183; discovery, 184; evidence, 183-4; and judicial assistance, 183-4; in New York, N.Y., 166; qualified arbitrators in, 177; procedures, 177-8; public policy favoring arbitration, 176; rules, 177-8; services available, 177-8;
- United States International Trade Commission, 125-6, 127, 129
- United States and Iran-US Claims Tribunal: advocacy of expansion of, 5, as collection agency for claimants in, 7, and FCN treaty with Iran in, 9, and law of state responsibility for injuries to aliens, 8, membership, 1, objectives in, 7-8, position on Iranian challenge to Judge Niels Mangard, 4, respondent with US banks, 3, as representative of small claimants in, 7, sensitizing effect of, 266; views on liability of N-V Settlement Bank, 4
- United States-Iran Friendship, Commerce and Navigation Treaty, 6
- United States-Japan Friendship, Commerce and Navigation Treaty, 252
- United States Joint Chiefs of Staff: approval of SALT II by, 333-4
- United States law: and customary international law, 184-6, 187, 188, 189, 199-200, 263-4; and international law, 184-205; and revised draft Restatement, 199-200; and sovereign immunity, 263-4; and treaties, 199. *See also* US courts, US Supreme Court.
- United States legislative branch: and involvement of US courts in application of customary international law, 251-2
- United States-Mexican Claims Commission, 6, 7
- United States national interest: and arms control, 294
- United States National Labor Relations Act, 192
- United States National Oceanic and Atmospheric Administration (NOAA): and deep seabed mining regulations, 109
- United States national security: and arms control in outer space, 293-4
- United States National Security Council: and nuclear weapons negotiations, 343
- United States Navy: and nuclear weapons negotiations, 343, 344
- United States Nuclear Non-Proliferation Act (1978), 78-80, 98-9; criticisms of, 82-3
- United States Nuclear Reactor Extended Burn-Up Program, 81
- United States Office of Science and Technology: and review of space issues, 294
- United States Participation in the Multilateral Development Banks in the 1980s (publication of the US Treasury Department), 217-8, 223-5
- United States policy: toward industry, 121; toward international commodities agreements in strategic metals, 227; nuclear nonproliferation, 78-82; pre-WW I foreign, 144-7
- United States President: and customary international law, 200, 263, 265; power of to terminate treaties, 189
- United States Proposals for Amendments to the Draft Convention on Law of the Sea (*Green Book*): 109-10
- United States and refugees: 17; administrative procedures toward, 19, 20-1; asylum granted to Haitians and Salvadorans, 21; automatic detention of Haitian migrants under Reagan administration, 20-21; Cuban-Haitian Entry Program, 20; "extended voluntary departure," 17-18; law and policy toward, 19-21; and *nonrefoulement* of refugees, 19; obligations under UN Protocol relating to the Status of Refugees, 15, 19; political concerns and refugee policy, 19; problems of asylum process, 21; program toward, 19-20; subscription to UN Conv. and Protocol relating to Status of Refugees, 19; third-country resettlement of, 18
- United States Secretary of State: and mediation of Argentina/UK dispute re Falkland Islands, 283
- United States Securities and Exchange Act (1934), 364
- United States Securities and Exchange Commission, 197, 205; and bank secrecy laws, 357

- United States securities law, 196-7
- United States Senate, 81; advice and consent to Declaration of London and International Prize Court with Additional Protocol, 137; Committee on Foreign Relations and SALT II, 333, 334; consideration of Hague Convs. (1907), 134; and Diego Garcia issue, 283-4; Export Trading Company Act (S. 734), 126-7; failure to ratify League of Nations Covenant and Treaty of Versailles as partial cause of WW II, 337; and ICJ jurisdiction, 148; as obstacle to ratification of arms control agreements, 337, 343; Select Commission on Immigration and Refugee Policy, 36, 37, 39, 46
- United States Senate Bill 2222, 38, 39, 44-5, 46, 47; compared to Reagan Administration bill, 43-4; criticized, 39-40, 41-3; difficulties of enforcement, 40-1
- United States Social Security System: and illegal immigration, 46-7
- United States space policy: and international law, 294
- United States space shuttle: USSR interest in limiting use of, 294
- United States states: bank regulation by, 355-6, 365-6; courts, 189; and exercise of eminent domain, 201; and violations of international law, 261
- United States statutes: incorporation of international law by reference, 233
- United States Supreme Court: and allocation of decisionmaking competence, 261-2; and allocation of responsibility for conduct of foreign relations, 259; and appeal to International Prize Court, 136; and arbitration, 176; compared to Egyptian Court of Cassation, 62; *Curtiss-Wright* case, 259; and customary law, 199, 200; *Flag of Convenience* case, 204; and international human rights law, 265; *Marine Bank v. Weaver* case, 364; *Paquete Habana* case, 200, 263; and relation of antitrust to trade law, 129; and *Sabbatino* Case, 189; and sovereign immunity, 189. *See also* US Constitution, US law.
- United States-Switzerland Mutual Assistance Treaty: *See* Treaty of Mutual Assistance in Criminal Matters, US-Switzerland.
- United States Tariff Act of 1930, Sec. 337, 125, 129
- United States trade: with Japan, 126, 127-8; with Mexico, 209-10. *See also* US trade law, Trade law.
- United States Trade Act (1974), 206, 208; Sec. 301, 125
- United States Trade Agreements Act (1979), 124, 206, 209
- United States trade law: and dispute settlement, 124, 125-6; generalized system of preferences, 208 relative to US antitrust law, 124-7
- United States Treasury Department, 217, 355, 357, 363
- United States at UNCLOS III: 108-10; 113, 116-7
- United States/USSR Anti-Ballistic Missile Systems Treaty (1972), 337
- United States/USSR Optional clause Agreement (1977), 166; and UNCITRAL arbitration rules, 168
- United States v. Aluminum Company of America*, 124-5, 204
- United States v. Container Corp. of America*, 125-6
- United States v. Curtiss-Wright Export Corp.*, 259
- United States v. Iran (Case Concerning United States Diplomatic and Consular Staff in Tehran)*, 60-1
- United States v. Singer*, 125
- United States views: on definition of weapons of mass destruction, 295-6; re just compensation for expropriation, 191, 197-8, 203-4; on militarization of space, 289-91; on neutral rights, 143; on sovereign immunity, 189, 304; on the use of force in international law, 23-5
- United States Wage and Hour Act, 193
- United States Wilson Tariff Act, 125
- United States in WW I: entry into, 138; legal errors of, 147, 148; naval warfare violations by, 138; trade with the Netherlands, 143
- United States in WW II: naval practices, 147, 148; nuclear bombing of Japan, 82, 339, 347
- Uruguay: human rights in, 311, 313, 319; and Inter-American Human Rights Commission, 313; judicial independence in, 319, 325; ratification of Moon Agreement by, 288; violation of UN Covenant on Civil and Political Rights, 313
- Uranium, 94; high enriched, 81, 95, 99
- Use of force: under Antarctic Treaty, 276-7; and Argentina/UK dispute re Falkland Islands, 267-9, 275-7, 282, 283; Islamic views on avoidance of, 72, 73-4; lawyers' silence re erosion of prohibition on, 340; to recover contract debts, 133; under OAS system, 276-7; and UK maritime exclusion zone, 277; under UN Charter, 190; US views on, 23-4. *See also* Customary international law, International law.
- US Lexington: and US attack on Falkland Islands (1831), 272
- Usury: In Islamic law, 63-5
- Vagts, Detlev: *Rems.* on Sec. 712 of revised draft Restatement, 203-4
- Vance, Cyrus: and 1977 Carter administration Moscow mission, 333
- Venezuela: claim to Guyana, 268; dispute with Great Britain, Germany and Italy re contract debts (1902), 133

- Venice: and Mameluke Empire, 58  
 Verification: as problem in arms control, 293  
 Vernet (early settler in Falkland Islands), 272  
 "Vertical" proliferation of nuclear weapons: as obstacle to Third World adherence to NPT, 86, 87  
 Vienna Convention on the Law of Treaties, 236, 239; and revised draft Restatement, 187, 189  
 Vietnam: and *I Congreso del Partido* case, 303-4; refugees to US from, 39; US military involvement in, 140  
 Vietnam War: as reflection of US views on use of force in international law, 23-4  
 Vogt, Donald A., 290, 295, 297; *Rems.* on military aspects of arms control in outer space, 291-4  
 De Vitoria, Francisco: as founder of international law, 74  
 Voluntary Restraint Arrangements, 127-9; steel, 129. *See also* Antitrust, Trade law.  
 Vynior's Case, 178
- Wang, Erik B., 201  
 War: as cause of mass migration, 16  
 War criminals: treatment of after WW II, 306  
 War, laws of: *See* Laws of war.  
 Warsaw Convention (1929), 236-7  
 Washington, George: Farewell Address, 145; last testament of, 178  
 Washington Lawyers Committee for Civil Rights Under Law: Southern Africa Project, 320  
 Weapons of mass destruction: and arms control in outer space, 295; ASATs as, 297; problem of definition of, 285, 295-6; in Moon Treaty, 289; in Outer Space treaty, 288; space debris as, 286  
 Weaver, *Marine Bank v.*, 364  
 Webb-Pomerene associations, 124, 127, 129. *See also* Trade law, US trade law.  
 de Weert, Sebald: and discovery of Falkland Islands, 270  
 Weiss, Leonard, 98, 99  
 Western approach to arms control in outer space, 288-9, 290-1  
 Western Europe: countries of as parties before ICC Court of Arbitration, 173; and US denial of nuclear fuel enrichment services, 79  
 Western Sahara Case: and historic title, 268-70; and right of self-determination, 268  
 Westinghouse Electric Corporation, *Rio Tinto Zinc Corporation v.*, 240, 242  
 Weston, Burns H., 342, 345, 347; *Rems.* on lawyers' role in preventing nuclear war, 338-41; *Rems.* on legality of nuclear weapons, 33-4, 346  
 West Rand Central Gold Mining case, 243  
 Whiteman, Marjorie, 9  
 Lord Wilberforce, Richard, 201, 233, 235; as Jessup Competition Finals Court judge, 349; *Rems.* on the age of the international lawyer, 301-7  
 Wilkinson, *Fernandez v.*, 248, 256; and Canadian law, 257  
 Williston, Restatement of Contracts, 186  
 Windhoek: *See* Namibia.  
 "Window of vulnerability", 30  
 Wiss, Marcia, 366  
 Wolff, Morris H., 347-8  
 Woolsey, James, 23; *Rems.* on strategic deterrence and nuclear war, 30-1  
 Workers, undocumented: *See* Illegal immigrants.  
 World Bank: Articles of Agreement of, 220-1, 222; Brandt Commission Report (1980), 206, 224; domestic private sector promotion, 218-20; and foreign direct investment in Third World, 222-3; International Finance Corporation, 54, 221; investment in Third World countries, 217; Letter of Development Policy, 220; and multilateral investment insurance agency proposal, 222-3; private investment guarantees by, 222; as promoter of private investment, 220-3; Reagan Administration criticism of, 226-7; syndicated loan guarantees by, 222; and Third World "graduation" to private capital markets, 224-5; voting in, 230  
 World Bank Convention, 305  
 World order: the Third World and, 305-6  
 World War I, 149; British efforts to block neutral trade, 143; causes of, 146-7; and Declaration of London (1909), 138; US neutrality in, 143  
 World War II, 149; legal status of resistance fighters, 141-2; *Maquis*, 141; saturation bombing in, 341; use of nuclear weapons in, 347; US neutrality in, 143  
 World War III, 149; prevention of, 147, 337
- X-ray weapons: as weapons of mass destruction, 296
- Yamashita, Tomoyuki, 140  
 Yarmolinsky, Adam, 23, 31, 34; *Rems.* on nuclear proliferation, 35-6; *Rems.* on strategic deterrence and nuclear war, 29-30  
 Yellowcake. *See* Uranium.  
 Yugoslavia: as future nuclear supplier, 79; opposition of to militarization of space, 289, 290

Zakar: *See* Islamic law.

Zamora case (UK), 264

Zamora, Stephen T., 364-5, 366; *Rems.* on Reagan Administration international economic policy and the IFIs, 215-27; *Rems.* on voting structures in IFIs, 230

Zamorano case (Argentina), 319

Zenger, Peter, 323

"Zero option", 33. *See also* Nuclear weapons, Strategic Arms Limitation Talks, and Strategic Arms Reduction Talks.

Zero Population Growth, 40

Ziadeh, Ferhat: *cited* on judging historical doctrines, 61

Zoroastrians: and marriage, 75

Zweig, Michael: *Rems.* on arms control observance verification,

